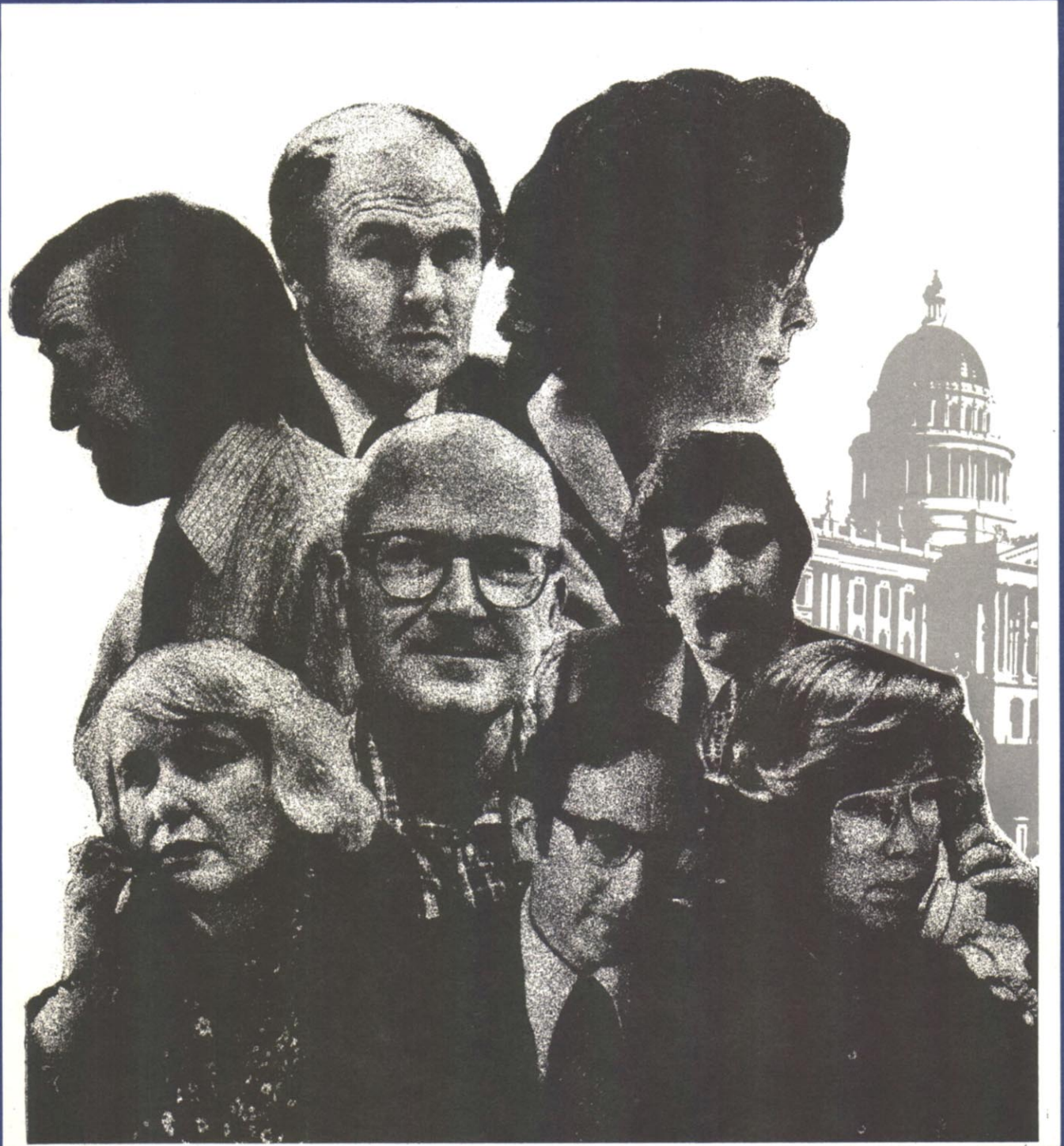


California Journal

The Monthly Analysis of State Government and Politics

May 1981/\$1.75



STAFF POWER IN THE CAPITOL

Rise of political dirty tricks
Busing: long court ride ahead

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By ED SALZMAN

The children's crusade



The state is spending millions of dollars in an effort to reduce regulations and red tape in government. The Legislature even created a new agency, the Office of Administrative Law, with extraordinary powers to throw out superfluous regulations and supervise the streamlining of all state rules and regulations.

Even with this monumental effort under way, there are periodic shouts from lawmakers that more must be done to halt the proliferation of government regulations. Senate President pro Tempore David Roberti led the chorus with a press conference announcing the formulation of a Gov-

ernment Red Tape Reduction Package by the Senate Democratic leadership. Declared Roberti: "We face a critical time of testing. It's a time when everyone will be watching closely to see if government can really bite the bullet and put a rein on the growth of intrusive, expensive and troublesome government regulations."

Are legislators themselves ready to bite the bullet? Perhaps the best evidence is an examination of the bills introduced at this anti-regulation session of the Legislature.

Item: Senate Bill 470 would require the Department of Motor Vehicles to appoint an advisory board to help write rules and regulations governing driving schools. The author of the bill is none other than Senate President pro Tempore David Roberti.

Item: Perhaps the most controversial government-regulation plan before the Legislature would require periodic smog inspections for all motor vehicles. The bill (SB 33) is authored by a member of Roberti's red-tape team, Robert Presley.

Item: The calendar is littered with hearings on bills designed to prevent state regulatory agencies from going out of business on schedule. Some examples: SB 261 (Ellis) and AB 450 (Young) would repeal the "sunset" provision of the law creating the Radiological Technology Certification Committee. AB 444 (Rogers) is a particularly smelly one; it would give at least two more years of life to the Garlic and Onion Dehydrator Advisory Committee. SB 473 (Mello) would retain the Government Volunteers Act indefinitely. AB 475 (Norman Waters) would prevent the sun from setting on the licensing of those engaged in the vital profession of mule racing.

Item: Then there are those bills that would create new agencies to add verbiage to the administrative code or give additional regulatory powers to existing departments. Examples: AB 243 (Hughes) would create a Commission on Affordable Housing. AB 440 (Lockyer) would require the Labor Commissioner to regulate agents for professional athletes. AB 587 (Moorhead) would license nurse-anesthetists. AB 637 (Rosenthal) would regulate dieticians. AB 646 (Bane) would create an Osteopathic Medical Advisory Committee. AB 674 (Katz) would establish standards for arson investigators. AB 690 (Alatorre) would enact the Small, Minority and Women-Owned Business Procurement and Contract Act. And here's one that might bug you: SB 742 (Boatwright) would add insects to the species that can be protected by the Department of Fish and Game.

All this proves that even those legislators who crusade against stifling government red tape find it advisable to respond to the demands of lobbying groups who find government regulation more profitable than a free market.

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Those wonderful statistics: The official statement of vote from the secretary of state's office shows there are 617 people of voting age in Alpine County — and 723 registered voters. Who says cows can't vote? (The explanation: The population statistics come from the Department of Finance.)

At the 11th hour, Lieutenant Governor Mike Curb canceled a speaking engagement before the Association of Deputy Attorneys General in Los Angeles. He figured he was heading into potentially hostile territory. Is there any surprise that Attorney General George Deukmejian was delighted to fill in as a replacement?

Former Assembly speaker pro tempore Jack Knox is saying loud and clear that lobbyists and legislators have found a legal way to circumvent the political-reform-law limitation of \$10 a month for the entertainment of lawmakers by advocates. The solution, according to Knox, is for a lobbyist to make a contribution to the legislator's campaign fund in the amount of the tab. The lawmaker then pays the bill.

The word is out among personnel experts in Sacramento that the current testing for the pivotal position of staff services analyst is "rigged." According to insiders at the Personnel Board, the testing procedure is designed to get the maximum number of minorities into entry-level professional ranks.

Assembly Speaker Willie Brown is planning a June fundraiser at the Century Plaza Hotel in Los Angeles. The tab is only \$350, a bargain in the current political market. And the affair is being programmed by none other than Assemblyman Tom Bane, who was a staunch supporter of Howard Berman only a few months ago.

It's a good thing the Senate didn't confirm Gene Livingston as head of the Office of Administrative Law on schedule. His office planned a celebration and ordered a cake from a Sacramento baker. Naturally enough, the baker assumed he was decorating a cake for young Gene's church confirmation. (A more suitable cake was prepared a week later when the Senate acted.) Incidentally, there have always been those who claimed that waiting for Senate confirmation was like a religious experience.

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WITH THE RISE OF THE COMPUTER LETTER AS A PRIME WEAPON IN CALIFORNIA POLITICAL CAMPAIGNS, CANDIDATES INCREASINGLY ARE TRYING TO WIN ELECTIONS BY RESORTING TO

By DAN WALTERS

Many years later, Stuart Case was still mad about the dirty trick that was played on him in 1966. Case had won the Republican nomination for an Orange County state Assembly seat that year and seemed to have the edge on his Democratic opponent, a young legislative staffer who was making his first bid for elective office.

But on the eve of the November 1966 election, Republican households throughout the district received hand-addressed envelopes containing what appeared to be newspaper clippings with personal notes attached to them. Each clipping appeared to be from a Santa Monica newspaper. It even had a fragment of a furniture store advertisement on the back. The clipping, apparently a dispatch from Sacramento, said that Case lived in Santa Monica rather than Orange County and was a lobbyist for a special-interest group.

The note, signed "Jim" and written in blue ink, suggested that Ronald Reagan, who was on the verge of winning the governorship, deserved a better legislator than Case. It urged the recipient of the note to vote against Case.

The next day, the voters went to the polls and Case lost the election by 2,200 votes. He estimates that the mysterious mailer cost him between 2 and 10 percent of the vote — enough to make the difference in a close election.

The newspaper clipping turned out to be a phony. It was printed in a Long Beach print shop on the orders of a customer who paid cash and didn't give his name. The "Jim" who purported to sign the note probably was a phony too. "Everybody knows a Jim," Case was to say later.

Tricking the voters

The winner of that election — the beneficiary of the "Jim" mailer — was Ken Cory. Eight years later he became the state controller and today is ready to launch himself on a campaign for the governorship. Cory denied any knowledge of the mailer and no one ever was able to find out who pulled the dirty trick on Stuart Case. The allegations in the phony clippings were untrue, but by the time newspapers were

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able to establish that, the election was history and Cory was on his way to Sacramento to begin his career in public office.

Case's experience is not unique. He is only one in a long string of California politicians who have been victimized by low-ball tactics. Phony newspapers, dummy front groups, computer-directed hate mail and even red-herring candidates are the stock in trade of the professional dirty trickster who has become a permanent fixture on the state's political scene.

These tactics are not the sharply partisan, hardball politics that are featured in every campaign — the sensationalized charges and counter-charges, the pointing with pride and the viewing with alarm. This goes beyond that level into something more sinister — a conscious effort to manipulate and trick the voters. And it's getting worse

because the technological side of politics is becoming more sophisticated. Professional political managers are able, using massive data banks, to devise campaign materials that focus on particular groups of voters.

Pat Johnston, a Democrat who eventually won a Stockton Assembly seat last fall, was the victim of a typical focused mail effort. A front group called the Mexican-American Political Action Committee dispatched literature to lower-income white areas of Stockton just before the election, suggesting that he was the candidate of the San Francisco homosexual community. But while these would-be voters (the "rednecks" in the parlance of one participant) were being fed that line, black and Chicano voters were being told in another MAPAC mailer that Johnston was the candidate of the Ku Klux Klan.

The driving force behind MAPAC was Bruce Gray, a professional political "hit man" who has operated in the shadows of many campaigns and is typical of the new breed of hired gun brought in to rescue faltering political drives. Later, it was established that Gray had financial ties to Johnston's Republican opponent, Adrian Fondse, who won the election in the initial count but later lost the seat in a recount.

Earlier in the year, Gray's name had been linked to another political front group, the so-called Committee to Save Agriculture. With Gray at the helm, this "committee" had sent packets of literature to 8,000 farmers, seeking funds to defeat Leo McCarthy in McCarthy's bid to retain the speakership of the Assembly. The literature contended,

among other things, that McCarthy was the tool of farm labor leader Cesar Chavez.

The beneficiary of Gray's clandestine campaign — whose finances were never fully revealed — was Howard Berman, who was trying to unseat McCarthy. The irony was that Chavez was strongly backing Berman, not McCarthy, and eventually committed a quarter-million dollars in United Farm Workers Union funds to the pro-Berman effort. The centerpiece of the Gray-produced packet was a much-doctored letter written by McCarthy. The editing of the letter changed its meaning about 180 degrees.

Thousands of 'hit pieces'

In the jargon of the political trade, the Gray mailers directed at Johnston and McCarthy are known as "hit pieces" and they have become a staple of the campaign season in the state. They are used by Republicans, by Democrats and by non-aligned groups. Frequently they are misleading and not infrequently the same politician may be both a user and a victim.

In 1976, for example, Democrat Cindy Wear was the victim of a hit piece purporting to be a local newspaper called *The Community Reporter*. It alleged that Wear, who was running for a Los Angeles County Assembly seat, was "not fit to hold public office" and suggested that she was under investigation by various agencies for voter fraud. The "newspaper" was, in fact, produced by campaign staffers for Wear's Republican opponent, Paul Bannai, who went on to win the seat. The type identifying the Bannai connection was so small and faint that it took a magnifying glass to read it.

Bannai lost his Assembly seat last year after voters in the district were deluged with tens of thousands of mailed hit pieces that alleged every sort of nefarious conduct on his part. The mailers, believed to be among the most vicious used anywhere in the state last year, were on behalf of Dick Floyd, a cigar-smoking aide to state Senator Ralph Dills. Floyd won the seat.

Dummy committees and phony newspapers are only part of the bag of dirty tricks available to the sharpies who manage California campaigns. Another time-honored technique is to confuse the voters with more candidates. Cory was involved in one of those cases in 1972 when he faced Republican William Dannemeyer in an election to retain his Orange County Assembly seat. A political unknown named Jim Sartin ran against Dannemeyer in the primary and then filed as a write-in candidate against Dannemeyer and Cory in the general election.

Sartin spent most of his time attacking Dannemeyer and won 1,143 votes. That was not a factor in Dannemeyer's loss to Cory, but the attacks were so bitter that Dannemeyer sued and eventually won a \$2,000 settlement. It turned out that all of Sartin's campaign money — \$8,000 — came from one man, Gene Tunks, an Orange County businessman and

long-time friend of the Democratic candidate, Ken Cory.

Two years later, after Cory had become state controller, he appointed Tunks' son to a lucrative inheritance tax referee's position. When the Orange County Grand Jury attempted to discover whether Cory had financed Sartin's campaign, Cory refused to testify, claiming legislative immunity.

Resisting temptation

While Republican Dannemeyer was victimized by a dummy candidate in 1972, Republican leaders that same year were covertly recruiting and financing Peace and Freedom Party candidates throughout the state on the logical theory that any votes they would draw in general elections would be at the expense of Democrats.

Anecdotes aside, are California's politics getting dirtier? The answer probably is that they are. "The stakes are just so big, there's so much money at risk that the temptation is too much to resist," says a Democratic legislator who has been on both the dispensing and receiving ends of gutter politics.

"You might have a quarter-million bucks invested in a campaign. If you're a professional campaign manager, you've got your reputation on the line. You get down to that last couple of days and things get a little crazy. You convince yourself that if you can just put out one more mailer and hit just a little harder, you can go over the top. So you do it. And next time, the other side remembers and hits you twice as hard. It's an arms race and you can't stop it."

The emerging technology of campaigns tempts the campaign manager to pull out all the stops. He or she knows, as illustrated by the Stockton election involving Bruce Gray, that mailed pieces designed to appeal to the prejudices of particular groups can be focused narrowly because of the information contained in the data banks.

The voter is deluged with mail just before a hotly contested election. The designers of the pieces try to outdo one another in raising doubt and confusion and also avoid direct identification with the beneficiary of the mailers.

Bob Stern, who is in charge of enforcing the state's campaign laws for the Fair Political Practices Commission, agrees that the emergence of computer-directed mail as the chief campaign weapon has removed some of the constraints that are imposed on television and newspaper ads. And, he hastens to add, it's rare that any of the dirty tricks are illegal. "One dividing line between sharp politics and dirty tricks is in disclosure," Stern says. If the originator of the hit piece fails to report his finances "it goes beyond a dirty trick and is illegal," Stern says.

But those disclosures occur after the election, if at all. Whatever damage may be done by a lie-filled mailer cannot be undone after the election is over. And if the victim of such a hit piece tries to get the courts to intervene, he soon learns, as Stern says, that "the courts are very reluctant in



this whole area to restrain freedom of speech."

It's not uncommon, as a campaign tactic unto itself, for a candidate who is smeared to file a libel or slander suit. Such suits practically never are either pursued or won.

Actually, the restraints on campaign mailers are becoming fewer. The law once required that copies of mailed pieces be sent to the FPCC, even though the agency had no power to stop blatantly false ones. The FPCC tired of cataloging the literature and sought legislation to remove that duty. Now candidates can send out whatever they please, with no one looking over their shoulders.

Many FPCC officials now believe that they erred in seeking relief from that monitoring duty. "Although we couldn't do anything about it, having to send the pieces to us probably was something of a restraint," one official says. Now, Stern says, "there's nothing in state law that prohibits you from lying."

Republican Assemblyman Richard Mountjoy, who says he's disturbed by the increasing use of political hit pieces, believes legislation is needed to curb the more vicious ones. He has suggested in a bill that "negative statements" could not be distributed in a campaign if the target of the mailer did not have enough time to reply. Campaign literature, Mountjoy says, is "setting out absolute falsehoods with no response time."

Mountjoy's bill, however, was labeled as an unconstitutional abridgement of free speech in an analysis by the legislative counsel's office. The measure was held in the Assembly Elections and Reapportionment Committee in March because of that problem.

"I don't know the answer to how we attack it," says Mountjoy. "I know it has to be addressed. It is a subject matter that has to be looked at."

"You're getting right where I live," Democratic Assemblyman Art Agnos told Mountjoy when he appeared before the committee. Agnos was half-jesting. He was once considered to be one of California's premier practitioners of hardball politics but has mellowed in more recent years. "I've retired from those kinds of activities," Agnos told Mountjoy.

The problem with Mountjoy's bill, Agnos told him, was "How do you define a hit piece?" Mountjoy replied: "I think you and I have designed enough hit pieces to know what one is."

Agnos suggested that instead of Mountjoy's approach, there be devised a "political capital punishment" for politicians who lie and win legislative seats. If it's proven afterwards that he had lied and won the seat, Agnos con-

tended, the politician should lose his seat.

Although Mountjoy and Agnos pledged to work on such legislation, it's unlikely anything approaching it will be enacted. It would be asking politicians to commit a form of slow suicide.

The low year: 1980

The level of campaign dirty tricks reached a new low last year as Berman and McCarthy struggled over the Assembly speakership. Throughout the state, the strategists for both sides employed hard-hitting mailers to bring down their opponents. McCarthy backer Jack Fenton, a veteran assemblyman from Montebello, was felled after voters received a half-dozen hit pieces in the closing week of the primary campaign. They alleged that Fenton had lost touch with his constituents and was a tool of special interests. Republican Assemblyman William Ivers was hit by a mailed piece that accused him of a "Nazi war criminal vote" and boosted the candidacy of a Berman-backed Democrat.

It's generally agreed that the Berman side of the fraternal battle hit harder with its mail. Berman's brother, Michael, is considered to be one of the state's masters of computer-directed campaigning and oversaw much of the effort. Berman spent about \$2.5 million on his campaign and lost. One of the reasons he didn't make it, it's believed, is that the mail campaigns against Fenton and other pro-McCarthy legislators gave Berman a reputation for ruthlessness that scared off too many fence-sitters.

The tactics, if anything, will get tougher in 1982. Next year will be something of a political watershed for the state. For the first time in more than two decades, there will be hotly contested campaigns for both the governorship and a U.S. Senate seat. Moreover, with reapportionment the level of campaigning for 100 legislative and 45 congressional seats will be at an all-time high, and tough contests are expected for several of the lesser statewide offices.

More than \$50 million will be spent on those campaigns and much of it will go for secretive dirty tricks. Devotees of hardball politics particularly savor a campaign for the governorship that would pit Controller Cory against Republican Lieutenant Governor Mike Curb.

Cory and his political advisers are past masters at low-ball campaigning, and Curb showed a talent for the darker side of politics in 1978 when he ousted then-Lieutenant Governor Mervyn Dymally. Moreover, both men have financial skeletons in their closets that would be prime fodder for what one Sacramento political observer believes would be "the dirtiest campaign in California history."



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California Energy Commission. 444 pp. Available from the Commission, Publications Unit, M.S. No. 50, 1111 Howe Ave., Sacramento, CA 95825.

Solar Energy for California's Residential Sector: Progress, Problems and Prospects, by Jennifer K. Hollon for the Institute of Governmental Studies, University of California, Berkeley. 71 pp. plus appendices. Available as Research Report 80-3, for \$4, from the Institute, Berkeley, CA 94720.

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The States and Urban Strategies: California's Urban Strategy, by Lizette Weiss for the National Academy of Public Administration. Based upon case studies, explains how states respond to local problems. 44 pp. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

More than a year to go, but everyone's already running



By ED SALZMAN

Earl Warren and Pat Brown used to consider it uncouth for a California politician to announce his candidacy for office before "the snow flies in the Sierra" — in the year of the election. Nowadays, it is considered a political blunder for a candidate to give even a hint that he or she is *not* grasping for the next highest office — even before the ink is dry on the returns from the last election.

Mayor Pete Wilson bought \$45,000 worth of radio commercials in March — 16 months before the June 1982 primary. Even before that, he had been running around the state in an attempt to broaden his constituency beyond the borders of San Diego County. Leo McCarthy lost the speakership of the Assembly because he started campaigning for statewide office fully three years ahead of the election date. Mike Curb was running for governor even before he took office as lieutenant governor, and there are some cynics who say he's running to succeed Ronald Reagan as president even before he's been elected governor.

At this stage in the never-ending campaign process, money is being spent by candidates competing for lofty positions in Mervin Field's California Poll. The prime goals of some candidates like Pete Wilson are to improve their name recognition and to force potential primary opponents out of the race. Already, a fairly clear picture of the 1982 primary lineup is emerging. Almost all the major doubts of only a few months ago have been eliminated. An extraordinary year of opportunity is at hand, and there seems to be a large number of officeholders ready to plunge into deeper water.

The first major question of the 1982 elections was which event, if any, Governor Jerry Brown would enter. Now it appears clear that he will not seek a third term but will run for the United States Senate seat held by Republican S. I. Hayakawa, who has been doing poorly in the polls.

The second question mark was Mayor Tom Bradley of Los Angeles. Bradley drew only old warrior Sam Yorty as a significant mayoralty opponent this spring, and it is taken for granted in political circles that Bradley has been looking beyond Yorty to the gubernatorial campaign next year.

The final key figure was Attorney General George Deukmejian. Much to Mayor Wilson's chagrin, Deukmejian has decided to go all out for the governorship. Among political insiders, Deukmejian is considered a bigger threat to Curb than Wilson, even though Field's first poll put "Duke" behind Pete. That poll was taken, however, before the attorney general even formed his so-called "advisory committee."

In addition to the exceptionally early start to the heavy campaigning and the unusual number of opportunities for advancement, the 1982 election season is extraordinary in several other respects:

- **The Peripheral Canal issue.** In a sense, the dynamics of the 1982 election are within the control of the governor. That's because he can decide when Californians will vote on the Peripheral Canal referendum. The best guessing has been that Brown will call a special election in November to get the thorny issue out of the way before 1982 arrives. Brown, who was instrumental in getting the Peripheral Canal bill passed by the Legislature, recognizes its political drawbacks and has been trying to minimize the

adverse effects of his stance on the issue. He says he will vote for the canal but will not campaign for it.

● **Development of GOP slates.** For the first time in recent history, it appears that the Republican primary will involve slates of candidates in tickets headed by Mike Curb and George Deukmejian. The Curb ticket would include Carol Hallett for lieutenant governor and Jack Ford, son of Jerry, for controller. Deukmejian's ticket might include state Senator Ken Maddy and Pete Wilson (if he bows out of the governor's race) for lieutenant governor and attorney general, not necessarily in that order.

● **Exceptional interest in the lieutenant governor's office.** Until recently, the so-called number two spot on the ticket did not involve competition between heavyweights. Now, it appears that ferocious fights are under way in both party primaries.

● **The weakness of Hayakawa.** When was the last time that an incumbent senator of either party was perceived to be so weak that he drew several major primary opponents? That's what appears in store for Hayakawa, and the proliferation of candidates might, ironically, make it possible for the semanticist to win the Republican primary.

● **Reapportionment.** It is far too early to know what impact reapportionment will have, but it cannot help but stimulate games of musical chairs, with holders of legislative seats attempting to move up the political ladder in large numbers.

Who will run for what? Aside from some of the lesser statewide offices, almost all the major contenders appear to have surfaced. That's partially because it requires a great deal of time to raise the millions of dollars needed for a statewide campaign and the desirability of a good showing in Field's early surveys. Here is a rundown, office by office:

Governor

Democrats. Only two major candidates have emerged thus far — Mayor Bradley and state Controller Ken Cory. Bradley starts with a big advantage, but Cory is a masterful media campaigner and cannot be sold short. There will undoubtedly be other candidates in the race. But Secretary of State March Fong Eu appears to be running either for reelection or for lieutenant governor. State Treasurer Jesse Unruh undoubtedly would like to try a second time (he lost to Reagan in 1972), but he and Cory are too close to be running against one another. Former United States Senator John Tunney has talked about running for governor, but he'd rather try to get his old Senate seat back.

Republicans. Lieutenant Governor Curb is the early leader in both the polls and accumulated cash. But there is a feeling among the political *cognoscenti* that Curb would be beaten by either Deukmejian or Wilson in a head-to-head confrontation. With both men in the race, the anti-Curb forces would be divided and the lieutenant governor would probably win. Deukmejian has advantages over Wilson — a statewide office and the ideal platform issue, crime. The attorney general's people, headed by campaign strategist Bill Roberts of the Dolphin Group, are trying to get Wilson to run for lieutenant governor on the Deukmejian slate. But Wilson is tough, and he just might stick with the race all the way, especially if the next couple of polls show him ahead of Deukmejian or even with him.

United States Senate

Republicans. Three members of the GOP House delegation — Barry Goldwater Jr., Pete McCloskey and Bob Dornan — are trying to test Republican support for a possible race against Hayakawa. If any or all of them can raise enough money, they'll run. Goldwater and Dornan both carry ultra-conservative images, and McCloskey is known

as a maverick. Other possible candidates are former state Senator Dennis Carpenter, who would be backed by the direct-mail organization of state Senator H. L. (Bill) Richardson, and Maureen Reagan, who would obviously be trying to take advantage of a family connection. The polls have shown Hayakawa as beatable, and Goldwater has always done well in soundings of Republicans. McCloskey is an intriguing candidate. He is anathema to the conservative elements that have traditionally run the party, but he is loved by moderate and liberal Republicans, by independents and by Northern California Democrats. If McCloskey should win the primary, he would be virtually unbeatable in the November runoff.

Democrats. Jerry Brown has apparently decided that his presidential aspirations call for a run for the Senate. That job would give him a national platform and a chance to show the rest of the nation that there is more substance than moonbeam to his candidacy for the White House. But Californians may be fed up with Brown. The polls show that he doesn't run any better than John Tunney, and that says a lot. As governor, Brown can raise a great deal of money, and he has displayed an uncanny ability to find the very issues that turn voters back on his track — with crime the vehicle in 1982. Nevertheless, the suspicion is growing in Sacramento that Brown can be defeated by former Speaker Leo McCarthy — if the San Franciscan can raise enough money to run a Southern California media campaign. McCarthy won't have the Peripheral Canal albatross — one that could provide a big swing in the north. And above all, McCarthy can promise Californians that he will be a full-time senator and will never campaign for the presidency. That will be a promise that will be easy to keep. McCarthy was born in New Zealand and is ineligible to be president. Tunney is the other possible major factor in the race, and the field could include writer Gore Vidal and Congressman George Brown, who ran for the Senate once before with little success.

Lieutenant Governor

Republicans. With Mike Curb definitely not seeking reelection, it would seem that the woods should be full of prospective GOP candidates. But it hasn't worked out that

California Journal Internship Fund

The *California Journal* internship fund, established in 1979 as an endowment, provides revenues that are used to support student internships on the *Journal* editorial staff.

The internship fund was named in memory of Frank Mesplé, who served as a government professor, legislative advocate and gubernatorial aide. The fund carries on Mesplé's commitment to the youth of California and the democratic process.

Contributions to the Mesplé Fund are tax-deductible and help three ways: 1) provide work experience to students; 2) contribute to the research and writing resources of the *Journal*; 3) help the *Journal* balance its budget.

Recent contributors to the fund, whose support the *Journal* gratefully acknowledges, include:

Joseph Cislowski

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way. Assembly minority leader Carol Hallett wants to be Curb's running mate, but she doesn't dare be open about it for fear she will create a vacuum and lose her legislative leadership post. Former GOP state chairman Truman Campbell has indicated that he will run, but he is considered a lightweight by party insiders. Hallett's main competition probably will come from the candidate allied with George Deukmejian. That should be either Maddy or Wilson.

Democrats. This could be a crowded field, although state Senator Dan Boatwright of Concord is using hardball tactics in an effort to restrict competition. The candidate he has selected as first target is Gray Davis, Governor Brown's chief of staff. Davis is well connected in Los Angeles, especially with Mayor Tom Bradley. If Davis decides to run, he should leave the governor's employ within a matter of weeks or months. Other possibilities: state Senator John Garamendi, Secretary of State Eu, Treasurer Unruh, state Senator James Mills, Assemblyman Tom Bates and outgoing California Democratic Council President Wallace Albertson.

Attorney General

Republicans. Assemblyman David Stirling, apparently thwarted in his attempt to assume a legislative leadership position, is talking about running for Deukmejian's job. But the going could get rough for him if Duke gives the seal of approval to Maddy or Wilson for the job.

Democrats. The odds-on favorite to win the Democratic primary is District Attorney John Van de Kamp of Los Angeles. But Assemblyman Alister McAlister of Santa Clara County, probably as conservative as Democrats come (especially on crime issues), would make an interesting candidate. McAlister presumably would tap Mormon sources for campaign funds.

Controller

Democrats. If Ken Cory abandons the race for governor and seeks re-election, the picture will change dramatically. But if he keeps reaching for the brass ring, the field could be crowded. Among those trying to make themselves interesting: Supervisor Quentin Kopp of San Francisco, Richard Nevins of the State Board of Equalization, Assessor Alexander Pope of Los Angeles County, former Brown aide Bill Press, Assemblyman Rick Lehman of Fresno and several of those also looking over Curb's job.

Republicans. The controller's office will probably be subjected to slate politics in the GOP primary. The speculation is that Curb will put San Diego's Jack Ford, son of the former president, on his slate. There are two possibilities being mentioned for the Deukmejian ticket — Member Ernie Dronenburg of the state Board of Equalization and Kirk West, chief executive of the California Taxpayers Association and former deputy state controller.

Treasurer

Democrats. If Unruh runs for re-election, as is probable, he should have no serious problems in the primary.

Republicans. A sacrificial GOP lamb, Don French of Richmond, opposed the former speaker in 1978. Unruh will probably face the same caliber of opponent in 1982.

Secretary of State

Democrats. Incumbent March Fong Eu has toyed with running for higher office, but she will probably seek re-election. In that case, the opposition should be minimal. Liberal activist Tom Hayden has talked about running for secretary of state — and almost any other office in sight.

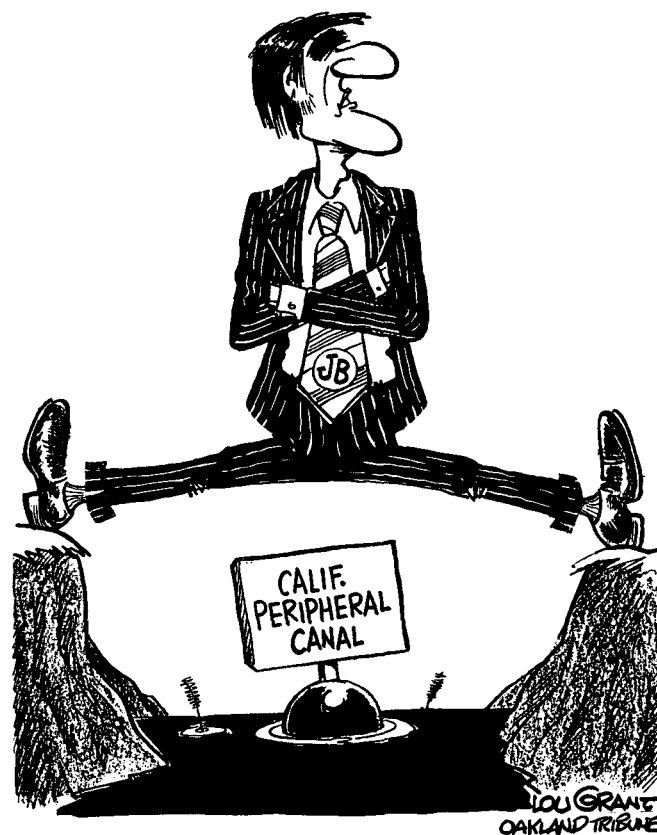
Republicans. There is no potential GOP candidate in

sight. Friends are trying to convince Jerry Brown's house conservative Republican, the charismatic B.T. Collins, head of the California Conservation Corps, to give some office a shot. This could be it.

Superintendent of Public Instruction

Non-partisan. The incumbent, Wilson Riles, pulled a mild surprise by announcing that he would seek a fourth term. It had been assumed that he would retire after his current term, and some potent operators were getting ready to compete for the job. Riles will have to fight for his political life, even if all the pros decide to wait four more years. A member of the state Board of Education, Louis Honig Jr., is running around the state lining up support.

"WHAT? ME STRADDLE AN ISSUE?!"



Another potential opponent is Steve Horn, president of Long Beach State and a friend of Deukmejian. Riles' biggest problem is the public perception that the schools are not doing a decent job of educating California's youngsters. Will they blame the man who has theoretically been in charge of the school system for 12 years?

Board of Equalization

There could be more than the usual amount of turnover on the Board of Equalization following the 1982 elections. The board consists of four members elected by district and the state controller. Cory probably will run for governor, and one member, the veteran George Reilly of San Francisco, will retire. All three remaining members have toyed with candidacy for statewide office — Richard Nevins and Ernie Dronenburg for controller, and Bill Bennett for attorney general. If form holds true, all three will run for re-election. Yet this is anything but a typical political season. 🏠

STRICTLY OPINION

*With this column, the **Journal** provides a forum for those wishing to express opinions on California political issues. Inquiries about future columns are encouraged.*



Too many doctors

By DR. SANFORD A. MARCUS

A recent lead article in the *Wall Street Journal* points out that one out of every 216 San Franciscans is now a doctor of medicine. While the statewide doctor-patient ratio is not quite that high, the much-heralded "doctor shortage" of a few years back has now turned into a serious surplus.

Meanwhile, the University of California Schools of Medicine have increased from a pre-war total of two to five large schools, each of them turning out more than twice its former number of young medical graduates. In addition, each of these schools is expanding greatly its training of physicians' assistants, nurse practitioners and others who will further overload the market with doctor-substitutes.

The impetus to alleviate a presumed doctor shortage and to provide for the medical needs of Californians was indeed laudable and well-intentioned 15 years ago. But the hundreds of millions of dollars it takes to establish and maintain each of these schools has now become a needless burden on the taxpayers of the state. With fiscal retrenchment the order of the day, it is time we took a hard look at what has become, quite inadvertently, a case of government featherbedding.

Now that the birth rate and immigration to California is slackening, a reappraisal of the state's need for doctors until the year 2000 should allow us to close two of these schools of medicine, after making provision for completing the training of those students who are presently enrolled.

Remember, there are also four private medical schools turning out doctors in this state; foreign medical graduates are arriving at an unprecedented rate; and the lure of California has always attracted great numbers of out-of-state doctors.

Dr. Sanford A. Marcus is a Daly City surgeon and president of the National Union of American Physicians and Dentists.

The Congressional Manpower Commission has stated that, far from providing additional medical services, the surplus of doctors will result in an inflation of costs to the public, as all of these new doctors expect not to have to lower their personal economic sights. The "competition" that was supposed to result from expanding the number of physicians will, the commission claims, threaten to bring lowered standards rather than lowered costs. Meanwhile, the taxpayers will continue to be saddled with the costs of running these schools, in which some faculty incomes far exceed the salary of the governor of California.

It is always difficult and painful to dismantle a government fiefdom, as Proposition 13 has taught us so well. Forcing all those deans and comptrollers, professors and clerks to find other positions will necessarily result in some hardship cases. A medical school — especially with a couple of Nobel laureates on its staff — is a source of pride to all. But this kind of pride costs a lot of money, and the fact that we have more or bigger or more famous schools than other states is no longer germane.

The suggestion to close a couple of medical schools may appear to be self-serving, in behalf of doctors who want to reduce an over-supply of competitors. But the people of California should know that their tax-supported medical schools are now establishing "satellite clinics" throughout the state, not to provide care for the needy but to furnish training for their thousands of students. In reality, these clinics — even in San Francisco which is overloaded with practicing doctors — will be competing with private doctors and ultimately driving them out of practice. Lest anyone believe that the "reduced" fees the clinics will charge the public will make health care more affordable, we have documentation that the hidden subsidies they receive from tax and foundation

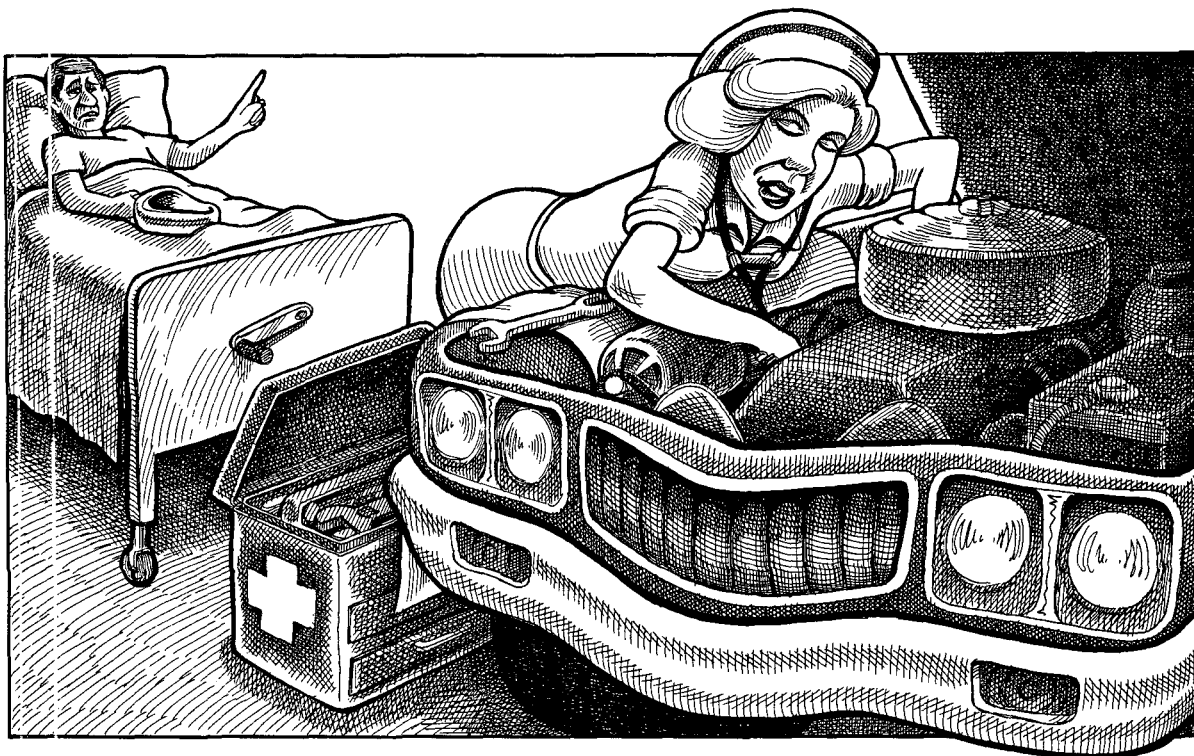
sources actually make the cost of a visit to one of these clinics over 25 percent greater than that charged by a private physician.

The contending forces that influence the establishment or maintenance of a medical school are many and complex. That part of the American Dream that makes parents aspire to a medical career for their sons and daughters lags behind, by about a decade, the realization that doctors are on the brink of being converted into public utilities. When this has been accomplished, the prestige and many of the rewards of being a doctor will be stripped away from the profession, and the sad fate of today's school teachers will befall physicians as well. Part of the tragedy of the teaching profession lies in the unrestrained production of new teachers in the post-Sputnik era, and now qualified school teachers are driving taxicabs in some urban areas.

This same failure to respect the laws of supply and demand has impelled government to repeat its mistake by also expanding the production of new doctors, to the point where disillusionment and bitterness, rather than the traditional commitment to excellence, may become the hallmarks of tomorrow's doctors. The "brain drain" of doctors emigrating from Britain and elsewhere attests to the fact that being treated by a cadre of disgruntled doctors may not be good for your health.

The purpose of a medical school is to train young doctors. It has been established that this need can easily be met in California until the year 2000, even after the closing of two of the present tax-supported schools of medicine. Armies are demobilized, obsolete facilities are abandoned and a rash of "sunset" laws have been proposed to eliminate unneeded government expenditures. When the savings to California taxpayers amounts to hundreds of millions of dollars, the time has arrived to close two schools of medicine without further delay.

The critical shortage of Florence Nightingales



By JOHN BALZAR

Phyllis Harding, acting director of nursing at San Francisco General Hospital, recently attended her 10-year class reunion. She wanted to see her school chums and talk over where their careers had taken them.

Anyone familiar with this troubled profession of nursing would not be surprised at what Harding found: Of a class of 86 at her West Coast nursing school, none of the graduates was currently engaged in bedside nursing.

She explains, "The average graduate was married, had 2.25 kids, was being supported by her husband, was working part time, or had moved on to some specialty such as psychiatric nursing or public health." Or, as in the case of Harding, they had turned to nursing administration.

The reasons are varied: status, money, their own peace of mind, deep strife within the medical hierarchy, unmet expectations on the hospital floor and the fruits of women's liberation. But the result is clear: Highly trained nurses are flocking away — or being driven away, depending on the point of view — from the traditional Florence Nightingale bedside role.

The symptoms of the nursing malady are staggering:

- **One out of five** hospital nursing jobs in the state is vacant, the California Hospital Association says. And the

shortage gets a little worse each year. More than 10,000 nurses are needed in acute-care hospitals alone. In some places, such as County-USC-Medical Center in Los Angeles, the shortage is worse — 36 percent of the registered nursing jobs cannot be filled. Hospital-by-hospital surveys throughout the state show that most of them desperately need 30 to 40 or more nurses.

- **Although no official** is willing to attribute any deaths to lack of nursing care, hospital officials freely acknowledge that they sometimes have to turn patients away or delay treatment because of a shortage of nurses. Hospital wards have been closed and patients transferred from one hospital to another. Governor Brown says he has evidence that some patients have been denied admission into intensive care units for lack of nurses.

- **Officials worry** that the average registered nurse spends fewer than two years working in a hospital before quitting or moving on to some specialty. This is less time than it takes to train a registered nurse. The state Hospital Association says the nursing turnover at an average hospital is 45 percent a year.

- **Hospitals throughout** the state have turned creative, or gimmicky, to try to lure nurses to their staffs. This includes offering new nurses such things as a free vacation to Hawaii, use of a car or rent subsidies. Some administrators have all but given up on domestic-trained nurses and are flying abroad to England, Ireland and Scotland in search of nurses. Great Britain, in fact, has become an international marketplace for nurses with American recruiters competing

with recruiters from Saudi Arabia and other countries which are short of bedside nurses. "We offer nurses an adventure here, and the Arabs hit them over the head with a bag of money," chuckles one California recruiter.

Turmoil and transition

Top to bottom, here and elsewhere, nursing is in turmoil. "I would put it this way," corrects Jo Ann Smith, "we are a profession in transition." Smith is a registered nurse who prefers being a lobbyist for the California Nursing Association to working at the bedside.

The startling irony of this shortage is the simple fact that there are really enough nurses licensed in California to meet all the bedside needs. But a very complicated chemistry keeps them away from the jobs where they are most needed and threatens the operation of many hospitals.

"Nurses are dropping out," says one who did, Assemblywoman Jean Moorhead, a Sacramento Democrat, who keeps her registered nursing license active but does not practice.

Stories like hers number in the tens of thousands. In Sacramento, a nurse throws in the towel to become a photographer and finds satisfaction in publishing a splashy picture book on Jerry Brown. Down the San Francisco Peninsula, a nurse in a critical-care hospital unit takes up the study of auto mechanics to escape the frustrations of nursing while still being in a position to "help people." Hospital officials, nurses, doctors and government regulators offer a host of plausible and intertwined explanations for the nurse exodus:

Changing times — In the course of nearly two dozen interviews with persons knowledgeable about nursing, the most provocative theory about the shortage is that nursing simply has not kept pace with modern times. Across the entire spectrum of employment opportunity in this state, evidence can be seen of dramatic gains made by women in the last 15

years. This is true in fields such as communications, heavy construction, science, politics and police work. But nurses — in a profession still dominated by women — feel left behind.

To hear them tell it, they are, in 1981, still being treated as . . . well, as women. In truth, there have been many advances for nurses. They no longer have to stand when a doctor walks into a room. With special training, nurses are delivering babies and moving into the front lines of patient care. They are being given a role in the technological revolution occurring in medicine. Experimental projects throughout the state are moving nurses into positions where their skills and responsibilities are tested to the limits. But each advance has been long-fought, painful and bitterly resisted by others in the medical hierarchy. And nurses, particularly those in traditional bedside jobs, say they still lag behind women elsewhere.

"It's all part of the recent development in women's lib," says Paul Mahan, director of personnel services for the California Hospital Association. "They no longer want to be considered handmaidens . . . (and) they are in a position to find opportunities elsewhere."

Another factor reflecting modern times is the reality that hospital patients are sicker than they ever have been. Today's medical and technological advances keep the ailing alive longer than before. In contrasting this new patient with those of the past, some nurses say they once could draw satisfaction from patients getting well and going home. But now, they say, nurses often face hospital wards full of patients who stand little chance of full recovery but who cling for just a little more living. This may help to account for the fact that the nursing shortage is most extreme in intensive or critical-care wards.

The struggle for status — Barbara Brusstar, a nurse and executive secretary for the state Board of Registered Nurs-

The other nurses

To a patient in a hospital sickbed, a nurse is a nurse. But in the eyes of the law and the rigid medical hierarchy, there are two distinct varieties of nurse in California.

There is the familiar registered nurse, and they are in critically short supply. But there is a nurse of which there is no shortage at all. These are California's 67,285 licensed vocational nurses.

Like RNs, LVNs wear crisp uniforms and minister to patients. Except for their name tags, a casual observer would have had a hard time telling them apart. Most nursing chores, including some highly sophisticated ones, are shared by both kinds of nurses. But in pay and status, LVNs are down near the bottom of the hospital pecking order.

Licensed by their own board in the Department of Consumer Affairs, LVNs undergo substantially different training than RNs. High school graduates, they sometimes have more actual clinical experience than RNs, but they do not receive the same theoretical college training as RNs. Neither are they schooled intensively in assessing and responding to medical emergencies.

The law states that LVNs can do almost everything an RN can, except administer medicine intravenously. Additionally, LVNs are legally required to work under the "direction" of a doctor or a registered nurse.

To an outsider, LVNs would appear to suffer every problem that their registered-nurse sisters must endure, and even more. The pay is about one-half the RN salary; the round-the-clock hours are the same. And their frustration can be great as they, like RNs, seek to expand their authority and increase their professional standing.

But for a variety of reasons, they are not clamoring to leave the bedside. Some say that LVNs know what they're in for when they go to work at a hospital and do not suffer the "entry shock" of RNs, who come from college and can be disappointed by the lack of authority permitted them. Then, too, many LVNs, because of their educational and economic backgrounds, do not have the financial luxury of quitting work. Many support children or have turned to nursing late in life as a second career. Also, the administrative, educational and public-health job alternatives open to RNs are not as easily available to LVNs.

The law, hospital politics and the differing levels of education prevent LVNs from filling the jobs vacated by RNs. Ironically, LVNs were created as a classification of nursing in the 1950s to help alleviate the shortage of RNs existing then. Today, with the RN shortage still here and getting worse, some health authorities are wondering aloud if another category of nurses will have to be created in the future to fill the nursing gap.

ing, explains that nurses suffer from "a chronic perception of low status." She notes that nurses have the same degree of training that doctors had a half-century ago, but their skills are not put to full use. Rank-and-file nurses on hospital wards often aren't given the opportunity they want to make decisions or assume responsibility. "The doctor is Lord of the Mountain, and woe be any nurse foolhardy enough to have an opinion on anything," grumps one Bay Area nurse.

Governor Brown's Administration has taken a sympathetic view of this complaint. His Consumer Affairs Department and his appointees to the Board of Registered Nursing have taken unprecedented steps to try to upgrade the standing of registered nurses. Most dramatic was the board's position paper last year stating that nurses have the right under current law to prescribe medicine, one of the most hallowed of medical responsibilities.



The state statute governing nurses is purposely vague in stating what nurses can and cannot do. It is left up to individual hospitals and the staffs of doctors and nurses at each facility to draw up "standardized procedures" governing nursing. Brown's board said these standardized procedures legally can be expanded to prescribing medicine under controlled circumstances. This would involve routine matters, such as prescribing an antibiotic for venereal disease. Nurses would choose the medicine from an approved list, or formulary.

Doctors vigorously oppose such a change. They argue that patients deserve nothing less, even in routine matters, than the skills of a trained physician. And they say that California should await and evaluate the results of some experimental programs allowing nurses more freedom over medicines before embarking on any large-scale changes in medical traditions. "You can have a situation where a high school graduate with two years of junior college education is prescribing, and that's a very delicate, sensitive area," objects a representative of the powerful California Medical Association. Attorney General George Deukmejian last month issued a legal opinion stating that nurses cannot prescribe medicine. That opinion does not have the power of law.

Most Brown Administration officials expected the opinion to go against the board, leaving the matter ultimately up to the courts or the Legislature.

Nurse education — Schooling is the door in and the ladder up for nurses. And it just may be the most controversial issue besetting the profession. Presently, a registered nurse can be licensed at the end of two-year, three-year or four-year

college programs. At the bedside, all these nurses are essentially the same. The only difference is that four-year nurses with baccalaureate degrees often find it easier to move up into nursing specialties or administrative jobs.

The professional nursing associations in California and nationally have adopted a policy calling for all registered nurses to be required to have a bachelor's degree as a condition for licensing by 1985. "Registered nursing is the only profession in the healing arts that doesn't require a degree," explains Smith, lobbyist for the California Nursing Association. She reasons that increasing educational requirements will "make the profession more professional and make it more desirable to get into."

The opposite point of view is offered by Governor Brown. At a news conference this year on the nursing shortage, he declared, "Traditional training programs have failed to produce enough nurses ready to go to work in hospitals." Brown and his administration want to open up registered nursing by allowing lesser-trained hospital workers, such as licensed vocational nurses (LVNs) and nurses' aides, to move up in the hierarchy with more ease. He has established programs in Southern California to do just that and has sought to eliminate educational barriers that he says stand in the way or nurses moving up the career ladder.

Registered nurses greet such efforts on behalf of LVNs and nurses aides with about the same hostility that doctors welcome RNs into their territory. "The pecking order in the health-care industry is like nothing else in the world except the military," explains Michael Krisman, Governor Brown's deputy director of consumer affairs who specializes in medical matters.

Working conditions — Low pay, long hours — that's the nurses' lament. Actually, the pay isn't always bad. A nurse with a two-year degree can start at about \$20,000 at a big hospital. The real problem seems to be that nursing salaries go nowhere. The pay scale at San Francisco General Hospital, for instance, grants the most senior nurse with many years on the job only \$2,000 more than the newest college graduate. It's little wonder that nurses turn to public health jobs, teaching, administration or some specialty where they can expand their earnings. This situation for nurses, oddly, is exactly opposite that for doctors. Physicians earn the most when dealing directly with patients; nurses earn the most away from the bedside.

Then there are the around-the-clock hours. Nothing can be done to change the need for 24-hour nursing care, but with everything else being unequal, the hours add up to the final straw for many nurses. This is reflected in the fact that night shifts and weekends are when there are the most severe shortages.

Part of this is the result of the sellers' market in nursing. Rather than fight the hospital bureaucracy over which shifts are to be worked, nurses go "free lance" through temporary nursing agencies, sometimes called registries. Through the

CORRECTION

Because of an editing error, last month's article entitled "The 'respectable radicals' and the politics of Berkeley" contained one paragraph that was not factual. The paragraph that should be disregarded:

"In campaign leaflets and speeches, the ABC/BDC slate is attacking the 'radicals' in City Hall and urging landlords not to register with the 'vicious' Rent Stabilization Board. If the slate wins all four seats on April 21st, it can effectively fold the rent-control board, because city funding for the board ends on April 20th and six votes are needed for rent-control board appropriations."

agencies, they can work as much as they want, where they want, as often as they want, and, surprisingly, earn as much or more money along the way, although side benefits are not always included.

Hospitals, so short of nurses themselves, have no choice but to turn to these temporary agencies to maintain services, even though the costs are greater. The agencies, which are profit-making businesses, end up competing with hospitals for the shrinking pool of available nurses. But agency directors also argue they provide a valuable service in that they keep nurses working who might otherwise quit.

Another factor is that the shortage itself breeds discontent among nurses who are working. Who wants to work in an understaffed, frantic environment? And when there are not enough nurses even to do the basic chores, what chance do they have to enter the more challenging areas of medicine, even if hospitals and doctors would allow them to?

The foreign nurses' pool — Discrimination, of course, is an issue in almost all professions, but it has added urgency in nursing because of the shortage. Recently, the state of California concluded that the nationwide test used to license registered nurses has an "adverse impact" on minorities. Minority activists, particularly those representing Philippine-trained nurses, immediately demanded an end to use of the test. They asked to be licensed here on the basis of their

training abroad. One spokesman said this could put several thousand extra nurses into hospitals almost immediately. Some of these nurses face deportation if they cannot get a full-time license, adding urgency to their efforts.

The California Nursing Association argues strongly against the automatic licensing of foreign-trained nurses. The Brown Administration, pleasing neither side, is proceeding with an evaluation of the nationwide test to see if the adverse impact is related to skills actually needed or to some extraneous factors. Until it makes a decision, the test remains in use.

Meanwhile, the U.S. Immigration and Naturalization Service has begun requiring a screening test for all foreign nurses in their native countries before allowing them to enter this country to seek a license. This screening test was devised by the same national nursing organization that formulated the disputed licensing test used in California. That effectively sabotages California's existing program to allow foreign nurses a temporary license while studying here to pass the test.

Most experts are gloomy about the short-range picture. "Probably some major changes will have to occur before we can solve the problem," says the nursing board's Brusstar. "I think it's going to get worse before it gets better, because I don't see any major changes coming up."



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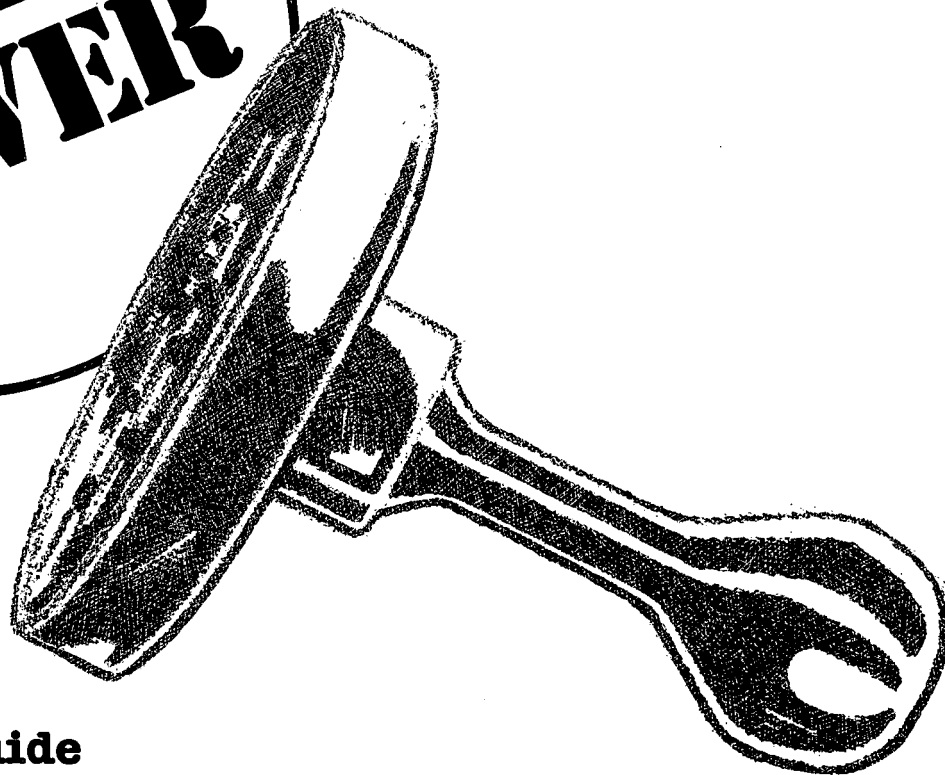
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STAFF POWER



An insider's guide to the leaders in California's army of legislative employees who manipulate the system to create new laws and advance their bosses' careers

By DANIEL J. BLACKBURN

They can be spotted in the shadows of the state Capitol, hovering near any of the Legislature's 120 members, flitting from floor to floor, wearing harried frowns, struggling with stacks of important-looking papers. Part Machiavelli, part Rasputin, part servant, they are minions to the men and women who make the law. They are part of a small army of 1,700 legislative employees who fill roles ranging from chauffeur to staff director, stenographer to consultant, sycophant to psychiatrist. The jobs offer no security whatever, yet there is no shortage of takers. The lure of life in the fast lane, at the seat of authority, is adequate to attract — like a bright light — all kinds of critters. And to pay their salaries, taxpayers annually shell out more than \$30.7 million.

When voters in 1966 created the present full-time Legislature by passage of Proposition 1A, they simultaneously created a new class of professionals. Their peculiar comprehension of complex concepts of public law and political implementation of policy make them unique. They are an extraordinary collection of ordinary people who comprise the inner circle around a select cadre of legislative leaders. They are lawyers, operatives, political scientists, economists, environmentalists, specialists and jacks-of-all-

trades. They are advisers to the powerful and thus they — like Machiavelli and Rasputin — derive, maintain and exploit power in their own right.

Rare indeed would be the legislative staffer who publicly claims or acknowledges any measure of such power. That is the exclusive domain of their bosses. But that doesn't change the fact that much legislative policy — perhaps all such policy — is the product of people who never have received a single vote at the polls, and in most cases never will.

Political power exercised by legislative staff can be acquired in many different ways. For some, it is a position as a consultant to a committee that deals with important issues. For others, it is access to a member or members of the Legislature who are themselves in potent positions. With still others, it is the possession of knowledge or expertise in specific areas that is not readily available to lawmakers.

Consultants to key committees are in particularly advantageous posts because of the sheer volume of proposed legislation that is introduced each session. The consultant is responsible for scrutinizing each bill that comes before his or her committee, preparing a brief analysis and perhaps citing organizations and individuals opposing and favoring the legislation. These analyses are distributed to committee members, often moments before the bill is heard, and given at the same time to members of the press. The net result of this practice is that the opinion of consultants tends to enter directly into the deliberative process and often becomes public policy simply because legislators are too busy or too

Dan Blackburn is a free-lance writer in Sacramento and a former legislative staff member.

lazy to make their own objective studies.

Access to detailed information on complicated bills has allowed more than one lawmaker to appear informed on a subject he or she knows nothing about. The usefulness of this huge talent pool has not gone unnoticed by elected officials, and staffers have not been reluctant to recognize and utilize their elected employers' professional dependence.

Some staff members wield muscle not because of what they do or know, but because of the people with whom they work and play. These staffers are expert in the game of politics, and their whole professional value is derived from their skills at manipulating the system to the advantage of their employer.

Collectively, these are the people who really make the Legislature what it is: complex, sophisticated, alternately effective and helpless, enormously expensive and the breeding grounds for law — lots of law. And as in any society, some legislative staffers are more important than others; they are the Ultimate Source because they have "juice."

What follows is an admittedly subjective analysis of legislative staff people who have this muscle. The list was culled from many names advanced by professional lobbyists, bureaucrats and others whose business is the Legislature. Few of those whose names appear will welcome the attention to their power. There may be some who will even go so far as to deny all, but as John Adams once observed, "Facts are stubborn things."

The people listed haul home collectively \$2.5 million annually in salaries. The source of their clout and/or their relative strength will be designated with the following key:

The Blackburn guide a la Michelin

- **Assignment brings power.
- ***Can influence members easily.
- ****Even lawmakers tread lightly.
- *****Really runs the house.

THE SENATE

(In alphabetical order)

*****Jeffrey D. Arthur**, senior consultant, Natural Resources and Wildlife Committee. Annual salary: \$40,296. Arthur's name came up as often as any other — remarkable in that the committee he works for has been less than exciting during the past few years. He is known as a thorough and impartial consultant, but more likely it was his handling of the often-difficult former chairman of the panel, Republican John A. Nejedly of Walnut Creek, that brought him to the attention of so many. Arthur shares the tact of his predecessor, Robert Testa, now a utility company lobbyist. Arthur's law degree (UCLA) helps in what can be a complicated legal arena.

*****Arthur Bauer**, Office of Research. \$45,168. Bauer was assistant director of the research office when he became — in December 1979 — assistant to James R. Mills, recently deposed president pro tempore. Bauer's trump card is his extensive background in transportation, which allowed him to return to the research group following Mills' leadership loss to Senator David Roberti. Bauer and Mehdi Morshed of the Transportation Committee have no peers in their field, and thus the Legislature has no other consistent source of information. Bauer is a member of Sacramento's Regional Transit District board of directors.

*****Pete Bontadelli**, minority caucus coordinator. \$35,904.



BONTADELLI



BURT

Bontadelli sitteth at the right hand of GOP boss William Campbell of Whittier and Ken Maddy of Fresno, chairman of the minority caucus. A political science graduate of UC Davis, Bontadelli stepped right into an internship with then-Assembly Speaker Robert Monagan. A stint with the GOP's reapportionment committee and a leading role in Maddy's unsuccessful gubernatorial campaign led to his present assignment. He is the leading staff voice speaking to the power brokers of the GOP in the upper house.

*****Nancy Burt**, administrative officer and director, Office of Research. \$41,280. Burt was an engineer of new Senate President pro Tempore David Roberti's drive for the top spot late last year, working from her position as Democratic caucus coordinator. Her dual role puts her in control of the Senate's output of technical data. Along with Cliff Berg, chief assistant to the pro tem (\$45,168), she is a top adviser to Roberti.

*****Tim Davis**, senior consultant, Energy and Public Utilities. \$36,768. Davis, one of several San Jose State graduates, is considered part of Senator Alquist's "machine" and played a pivotal role in controversial power-plant siting hearings during the past several years. He has good access to Alquist, who is no longer chairman of the E&PU committee. Time will tell if Davis can be as effective under the new leadership of Senator Joseph Montoya of Los Angeles.

*****Ron Fox**, senior consultant, principal aide to the vice chairman of Finance. \$30,456. Fox is a stabilizing factor for his volatile boss, Senator John Briggs of Fullerton, who would sometimes rather throw books than read them. Fox has Briggs' ear, and no one else can say that. Folks who have business with Briggs are well advised to start with Fox. It's safer and more effective.

*****Jerry Haleva**, assistant to GOP floor leader. \$37,464. Haleva, who started his Senate stint as an academic fellow, has a key part in GOP direction-seeking but can't come close to associate Bontadelli when it comes to integrating policy into practice.

*****Martin Helmke**, Office of Research. \$43,200. Helmke's muscle is derived from his unique understanding of complex fiscal principles. During the Legislature's scrambling to understand Proposition 13, the property-tax-cutting measure, Helmke not only translated for the lawmakers but proposed methods of dealing with the dramatic tax reduction. Whenever a thorny fiscal problem for the Legislature surfaces, Helmke huddles with fellow Senate staffer J. Fred Silva and Dave Doerr of the Assembly Revenue and Taxation Committee. The trio conceives policy and suggests methods of implementation.

*****Stephen Macola**, senior consultant, Agriculture and Water Committee. \$40,296. Macola enjoys an important role because his committee, under the chairmanship of Rubin Ayala of Chino, handled some of the most important pieces of legislation during the past four years, those seek-

ing to authorize the controversial Peripheral Canal. Macola's background in water resources stems from his tenure with the state Department of Water Resources, but his power is derived from his conceptualization of the canal bill. "Macola is Ayala," says one lobbyist who knows both very well.

****Lindsay Miller**, principal consultant, Governmental Organization Committee. \$43,200. Miller toils for one of the upper house's top money-making committees, which handles such plum topics as gambling, liquor and horse racing, but committee chairman Ralph Dills of Gardena reigns over the committee exclusively and thus Miller has little opportunity to shine.

****Terry J. Miller**, senior consultant, Banking and Commerce Committee. \$40,296. This committee also provides a nice pipeline for campaign contributions for its members. Thus the committee has juice, and Miller picks up some residual power as a result.

*****Mehdi Morshed**, principal consultant, Transportation Committee. \$45,168. Morshed, with Office of Research staffer Arthur Bauer, comprise the last word in transportation matters. With President Reagan's jaundiced attitude toward federal funding for such endeavors, Morshed will have the opportunity to become even more pivotal as California's lawmakers struggle to maintain transit programs.

******Alan Rosin**, staff director and principal consultant, Elections and Reapportionment. (Paid on special contract with Rules Committee, about \$4,000 per month, none of the usual benefits, with a 30-day cancellation by either the Democrats or the GOP). Rosin is a one-year wonder, heading up the staff of a committee that is important for only one year out of each decade. This is the year. Rosin held the same post 10 years ago and performed on the tightrope well enough to warrant an encore. Well-respected, intelligent and extremely sensitive to the nuances of "bipartisan" reapportionment methods, Rosin will be one of the quietest and most significant staff people on the scene . . . for a while.



HELMKE

ROSIN

*****Bruce Samuel**, special assistant to Rules Committee. \$49,464. Samuel has been a fixture among the Senate hierarchy for years. As the former assistant to former President pro Tem Mills, Samuel had 10 years at the seat of power and is a renowned player of the political game. He was executive officer of the Senate Rules Committee for one year following the retirement of John Williamson but fell with Mills, managing to hang onto some of his duties, a new "special assistant" title, and most of his salary. Samuel may have lost some badges during the transition but the mere fact of his survival in the wake of leadership changes is mute evidence of his real place on the staff lineup. Samuel will lose "juice" only as he loses his memory.

******J. Fred Silva**, principal consultant, Local Government

Committee. \$43,200. Silva has a hand on the throttle of the Senate like no other individual. Considered a fiscal genius by many insiders, he has guided the Legislature through the economic earthquake that followed Proposition 13's passage. He's part of the San Jose State contingent, with extensive experience prior to the Senate assignment in city planning and management and in fiscal research. Silva runs his committee — a vital one during the immediate Proposition 13 aftermath — as though it actually belongs to him, writing analyses and opinions that meet little opposition from members. In the arena in which disbursement of tax dollars is the main endeavor, Silva's talents cannot be over-emphasized.

******Richard Thomson**, principal consultant, Judiciary Committee. \$45,168. Thomson, too, is a legislative old-timer, dating back to 1967, and his time has been spent doing his work well in a very complicated field. His committee has become the focus of the current crush of law-and-order legislation.



THOMSON

SILVA

****Michael J. Wadle**, senior consultant, Business and Professions Committee. \$33,432. Wadle is in the uncomfortable position of working for a potentially important committee that has as its chairman Alex Garcia of Los Angeles, whose feet don't leave prints in the sand. Wadle has his hands full just keeping things together, with little time left to build his own empire.

****Jack Watson**, staff director, Finance Committee. \$47,256. Watson started his Senate career in 1964, making him one of the first to board the ship. If it were not for the load of his responsibilities and his need to distribute authority among many people, he would be a true power. That, however, it not the case. Critics of his performance are few; he is described as a "yeoman" by those who work with him.

****Casey Young**, senior consultant, Industrial Relations Committee. \$40,296. A 10-year-pin winner, Young labors for a committee that has extensive contact with major campaign contributors. It is a panel that is attractive to members with an interest in organized labor and in long political lives. Young is said to have the ear of chairman Bill Greene of Los Angeles and is not reluctant to use the access.

****Jerry Zanelli**, executive officer, Rules Committee. \$51,768. Zanelli was a private consultant and political operative for President pro Tempore Roberti during the recent leadership change; his assistance resulted in his new post. His administrative skills have yet to be shown. (A new push-button telephone system being installed for the Senate will cost what the bill says when it arrives, he told Capitol reporters recently.) He is hard to reach, but he has Roberti locked up tight. Between Zanelli and Nancy Burt, the hard-core politicization of the upper house is in full swing. Zanelli has been reportedly refusing to authorize travel orders for Senate staff unless the understanding is

THE REAL AUTHORS

Question: When is an author not an author?

Answer: When that author is a member of the state Legislature.

In fact, all bills "authored" by members of the Senate and Assembly are actually written by the 225-member staff of the Office of Legislative Counsel, headed by Bion Gregory and operated with an annual budget of more than \$8 million.

The 60-plus lawyers in the Legislative Counsel bureau process about 30,000 requests each year as the exclusive legal representatives of the 120 members of the Legislature. That includes the drafting of entire bills and amendments proposed by authors and committees.

Gregory and his staff maintain a strict attorney-client relationship with lawmakers. If someone wants a copy of a legislative counsel's opinion, it can be obtained only from the lawmaker — not from the bureau.

Created in 1913, the office has grown over the years with the Legislature. Legal work is divided into four broad areas, with a principal deputy supervising each area. Most lawyers in the bureau specialize and are usually assigned all the office's work in their areas of expertise.

State law forbids the counsel and his staff members from opposing or supporting legislation. Office policy also requires the dismissal of any lawyer who engages in partisan politics. "I don't think anyone in the office seriously urges or opposes legislation," observes Jerry Bassett, one of the four principal deputies. "If we only worked for the bills we liked, we'd have a helluva lot less work." Gregory says one of the strengths of the office is that "when legislators ask us to draft bills, they know that political considerations aren't involved at all."

Although the office is politically sterile, it still carries a great deal of clout. Passage or failure of a bill might depend on how the counsel's analysis of a bill is written. That analysis appears first on a printed version of a bill and is often all that is read by a lawmaker. Also, committees are rather vague in instructing the counsel on the drafting of an amendment to a bill. How the lawyer interprets those instructions can play a role in the final outcome of debate on a measure.

Gregory, 41, was appointed legislative counsel five years ago. A graduate of Stanford and Hastings law school, he worked briefly in the bureau as a deputy in 1968, but later became consultant to the Senate Judiciary Committee. From that base, he was able to develop the friendships that won him the job over bureau deputies with a great deal of seniority.

In the past few years, Gregory has supervised a difficult transformation to the use of computers in the drafting and preparation of bills. By and large, there have been few other changes in the office since Greg-



GREGORY

ory replaced George Murphy in the pivotal spot in the legislative process.

The heavy volume of work and a tight deadline schedule has always posed problems of legal quality and office efficiency. "We don't have the luxury of being able to regulate the amount of work we do like other law offices can," says Gregory. "We have to take the requests as they come in. We don't put out of the office any legal products that we feel are deficient, but there are certainly products that can be improved upon." When a bill is first written, Bassett estimates that there is an average of one error per page, with most being minor grammatical or spelling mistakes. Office policy mandates that no bill or amendment can be released until it is checked by some attorney other than the "author." Still, errors do appear in final products.

The current staff doesn't burn as much midnight oil as in the pre-computer days when counsel staffers were required to work every other night until 10 plus every other weekend during the Legislature's busy period.

A couple of decades ago, legislators used to deal with lawyers in the counsel bureau on a face-to-face basis. According to principal deputy Ray Whitaker, the proliferation of staffers in the Legislature has changed the relationship between the elected officials and their lawyers dramatically. The office now deals almost exclusively with staff assistants, and this can lead to discrepancies between what a legislator wants and what he gets from his "ghost writer."

— CYNTHIA WILLETT



clear that the authorization carries with it an obligation for a future "favor" from the staff member. He is clearly trading his administrative powers for "chits" to be collected in the months to come.

THE ASSEMBLY

(In alphabetical order)

****Lee Bennett**, principal assistant to minority leader. \$39,342. Bennett is an aggressive aide to Carol Hallett and measures heavily in the GOP chieftain's important committee assignments on the Agriculture and Elections and Reapportionment panels. Only his brief experience (since September 1979) and Hallett's tenuous grip on her office prevent Bennett from being more of a figure among Assembly staff.

****Bruce Cain**, special consultant, Elections and Reapportionment Committee. \$45,000. Cain is on leave from the California Institute of Technology, where he is an assistant professor of political science. He is a Rhodes scholar and holds a doctoral degree from Harvard, with extensive experience in voter behavior studies and statistical modeling. He is the Assembly Democrats' technician and will leave the politicking to others.



COX



DOERR

*****Dave Cox**, senior consultant, Public Employment and Retirement Committee. \$36,684. Cox has been on staff for 20 years (with a short "retirement" in Mexico sandwiched in the middle) and thus has perhaps more intimate knowledge of how the system functions than any other Assembly staffer except one. When thorny procedural questions crop up, Cox gets the call. He works for a nowhere committee but it has given him a background in collective bargaining that has served the lower house well.

*****Dave Doerr**, chief consultant, Revenue and Taxation. \$51,960. The third part of the Three Fiscal Musketeers — Helmke and Silva are the others — Doerr wandered onto the scene in 1959 and found a home. There is no other person on Assembly staff that can boast his comprehension of fiscal and budgetary matters. Another San Jose State product, Doerr has been pivotal in aiding the Legislature through the post-Jarvis era. He has ready access to all key members and is a veritable fountain of knowledge for Capitol reporters.

****Michael Falasco**, senior consultant, Agriculture Committee. \$25,128. Falasco is new to the Agriculture staff but he enters with a committee that will be significant during the coming year. He is close to chairman John Thurman of Modesto, is accessible and has earned a fair measure of respect in his year on the payroll. Considered an "up-and-comer."

*****Michael Galizio**, chief of staff for the majority floor

leader. \$38,928. At 25, Galizio is one of the youngest staffers and one of the few who can get to majority floor leader Mike Roos of Los Angeles without effort. He meets with Speaker Willie Brown's top staff regularly and will be instrumental in increasing cooperation between the two offices, something that was largely nonexistent during the reign of former Speaker Leo McCarthy.

****Jack Gualco**, senior consultant, speaker's office. \$30,072. Gualco, from the agricultural community, will be handling agribusiness problems for the speaker and gains his position on the "juice list" because of the importance of his subject area during the coming session. If his last name is familiar, it should be: Uncle Gene, the judge, spent his earlier days in the lower house.

*****Steve Holloway**, principal consultant, Labor and Employment. \$42,576. Aside from having to toil under the gaze of committee chairman Chester (What's Going On?) Wray, Holloway has the controls of a panel that is a virtual magnet for campaign contributions.

*****Elizabeth Kirsten**, chief assistant, speaker's office. \$37,944. A decade of Assembly staff work has prepared Kirsten for this, her heaviest assignment. One of several women in key roles for Speaker Brown, Kirsten is said to be a capable administrator and manager who works well both with lawmakers and other staffers. She gets high marks for political sensitivity, upon which she will draw often.

****John Kroeger**, senior consultant, Business and Professions Committee. \$30,072. His committee has some of the very top lawmakers, and panel membership itself provides guaranteed access to heavy campaign bucks.

*****Krist Lane**, chief consultant, Ways and Means Committee. \$51,960. Lane's grip on this explosive and vital committee is weakening. Several key members are openly dissatisfied and have been lobbying Chairman John Vasconcellos to replace him. Lane is in a tough spot, where political considerations have life-or-death importance. Vasconcellos, a hard-driving man whose performance as Ways and Means boss has been widely admired, is said to have "almost total control" over the fate of top committee staff.

****Rubin Lopez**, principal consultant, Judiciary Committee. \$42,576. Lopez is new (since March 1979), but his performance has been flawless and he has the distinction of working for a talented committee headed by Elihu Harris of Berkeley.

****Gene Mansfield**, deputy administrative officer. \$42,576. Mansfield also serves as chief administrative officer of the Joint Rules Committee, but he couldn't gain the top staff spot after it was abandoned recently by Fred Taugher, now a lobbyist.

*****Charlene Mathias**, principal consultant, Finance, Insurance and Commerce. \$33,864. From a nothing Senate committee (Insurance and Indemnity) to a powerhouse Assembly panel, Mathias has made a leap consistent with her abilities. She holds a position subservient to chief of staff William C. George (\$40,512) but there seems to be no real reason for that, other than her relatively brief presence in the lower house. If an anticipated pro-business attitude in this state should prevail during coming days, Mathias should really shine. Her committee also attracts contributions like a vacuum cleaner.

*****Barbara (Bobby) Metzger**, principal assistant, speaker's office. \$37,944. Metzger is on her second tour of duty for the Assembly, separated from the first by a stint as press secretary to Governor Jerry Brown. She is Willie Brown's "voice" when he's not around, and she enjoys apparently extensive freedom in the conduct of her job. Hard-working, conscientious and aware, Metzger had no peer among the governor's string of press aides, and she extracted uncommon professional affection from Sacramento's news hawks. There is no reason to think she's



MATHIAS



METZGER

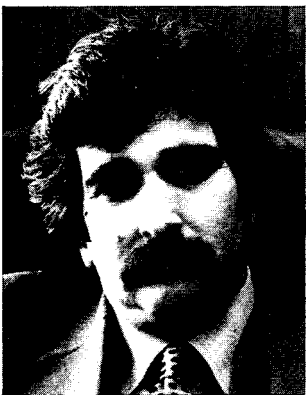
changed her habits in changing her Browns.

****Jack Mayesh**, principal assistant to Howard Berman. \$42,576. Mayesh was a primary engineer of Berman's near miss for the speakership title last year, and his power exists because Berman remains a threat to the security of Willie Brown. Mayesh would be at the top of the heap if it had come to pass. It didn't, and he's not.

****Tony Quinn**, principal consultant, Elections and Reapportionment Committee. \$42,576. Quinn, a former member of the Fair Political Practices Commission, is fresh from a stint as a private consultant for the Rose Institute of Claremont, where he took a doctorate. A veteran of the 1971-73 post-reapportionment turmoil, Quinn has overall responsibility for the minority party's contribution to the process and will be the GOP's primary political voice on staff.

****Janet Roche**, staff director, speaker's office. \$55,152. New to the Assembly, Roche comes by way of Washington, where she was a honcho in Housing and Urban Development. She has a lot of catching up to do.

****Richie Ross**, chief administrative officer, Rules. \$49,440. Ross got the job inches ahead of the Senate's Samuel, who was a popular choice around the end of the year. But Ross, the former principal consultant to the Assembly majority caucus, has been a pleasant surprise for many. He works hard, operates fairly and thus far has maintained the appearance of being nonpartisan in a post that requires that quality.



MAYESH



QUINN

****Parke Terry**, principal consultant, Governmental Organization. \$42,576. Terry has turned in his time (since September 1969) and works for the committee that gets the sweet smell of such subjects as gambling, horse racing and liquor. It's a big (14) panel, popular with members because of its golden glow. Terry can't bend the ear of chairman Frank Vicencia, which causes him to lose some luster of his own.

****Steve Thompson**, director, Office of Research.

\$57,384. Thompson was an early Assembly employee who left in 1974 to establish his own health consulting firm. Abrupt, abrasive, effective, Thompson wields his weight without hesitation. His political inclinations sway the direction of the research arm of the lower house.

****Maeley Tom**, deputy administrative officer, Rules. \$42,576. A top future candidate for the job now held by Ross, Tom is bright and industrious. She handles Assembly personnel and plays a key role in Rules efforts.

****James Tucker**, principal consultant, Elections and Reapportionment Committee. \$42,576. Lawyer Tucker's hold on committee matters is diminished by the presence of associate Bruce Cain, but neither man will have a lot to say in the reapportionment process now under way. A former lobbyist for the American Civil Liberties Union, Tucker has ready access to Chairman Richard Alatorre of Los Angeles.

****Mike Ullman**, chief consultant, Criminal Justice Committee. \$44,748. Ullman's committee has been the graveyard of hard-line anti-crime legislation in past years, but the attitude of lawmakers is changing and thus the panel will be dealing with an entirely new set of circumstances. Ullman will either adjust or pack.



THOMPSON



WILLOUGHBY

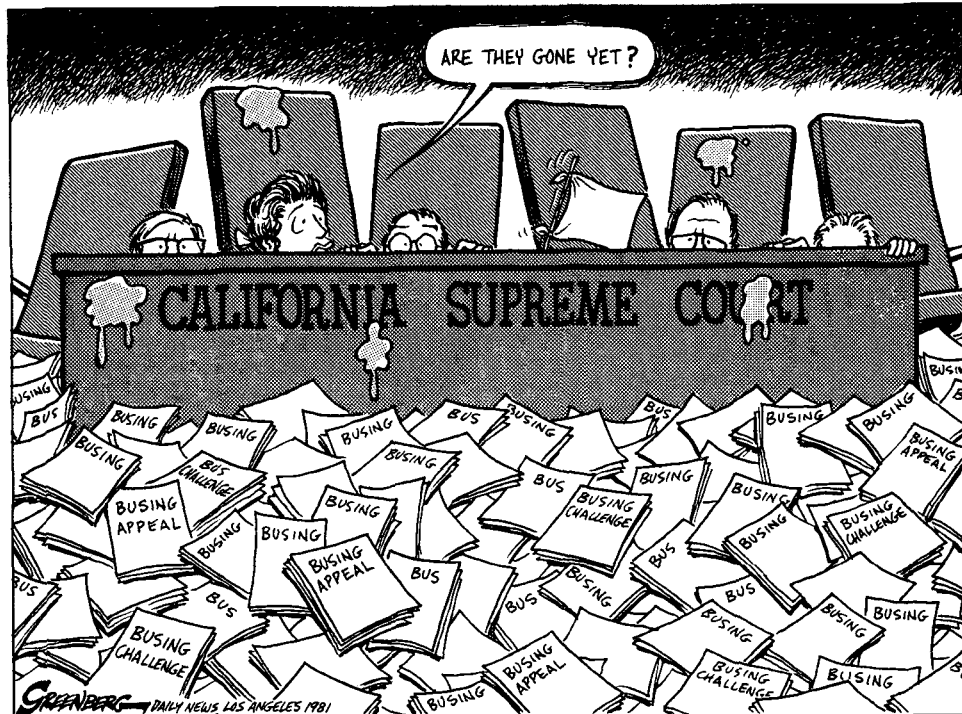
*******Thomas H. Willoughby**, chief consultant, Energy and Natural Resources Committee. \$51,960. Far and away the choice of most insiders for the "top staff in either house" award, Willoughby is the model of staff success — brilliant, clever, well-liked, meticulous in his work and as nonpartisan as a legislative staffer can be. His strength was solidified while serving the Local Government Committee under former Assemblyman John Knox who knew how the political game is played and gave Willoughby opportunities to grow. Willoughby is totally committed to his work; he won't even stay overnight out of town when he is on Assembly business. He also is secure enough to make bold recommendations to his bosses. He was one of two true authors of the 1969 California Environmental Quality Act (CEQA).

JOINT LEGISLATIVE EMPLOYEES

****Bion Gregory**, legislative counsel. \$65,004. Gregory is considered "soft" in his job, unwilling to take a hard stand on issues that border on being controversial. "Better safe than sorry" is Gregory's credo.

****William G. Hamm**, legislative analyst. \$60,024. From the beginning, Hamm has been in the untenable position of successor to the widely respected A. Alan Post, who literally created this post for himself and made the office what it is today. Others on individual Senate and Assembly staffs do the same kind of work that Hamm does, and there are influential lawmakers, including Speaker Willie Brown, who would do away with him.

The long legal road ahead in the school-busing conflict



By STEVEN PRESSMAN

For nearly 18 years, a lawsuit aimed at desegregating schools in the large Los Angeles Unified School District wound its way slowly through the courts — working up to the California Supreme Court and back again to the trial level where it first began in 1963. Now, the surprising decision by the state Supreme Court on March 11th not to review a Court of Appeal ruling prohibiting mandatory school busing in Los Angeles has resulted in an unexpected detour — if not a complete roadblock — in the pitched legal battle to integrate students in the state's largest school system.

Legal efforts by pro-busing plaintiffs in the case are continuing despite the Supreme Court's decision. But the justices' move, which stunned many legal observers in California, provided a sweeping victory for busing opponents, who include all but one member of the Los Angeles Board of Education. And it remains unclear how successful additional appeals in federal courts will be in restoring court-mandated busing, the city schools' biggest headache since it began in September 1978.

The issue brought before the state Supreme Court was whether or not Proposition 1 — an anti-busing measure sponsored by state Senator Alan Robbins of Van Nuys, and passed overwhelmingly by voters in 1979 — barred mandatory busing in Los Angeles. Last December, a panel of

judges from the Second District Court of Appeal said it did, overruling Los Angeles Superior Court Judge Paul Egly who had presided over the Los Angeles desegregation case since 1977. But the plaintiffs in the case, including the American Civil Liberties Union and the National Association for the Advancement of Colored People, appealed that decision to the state high court, hoping for a signal from the justices that the busing program ordered by Judge Egly was valid, Proposition 1 notwithstanding.

Officially, Proposition 1, when it was passed by voters in a special election, brought California into line with existing federal desegregation decisions that have upheld the use of mandatory busing only after schools have been shown to have been intentionally segregated. The California Supreme Court ruled in 1976, when the Los Angeles busing case first came before it, that busing was proper in curing *de facto* (unintentional) as well as *de jure* (intentional) segregation.

Thus plaintiffs in the Los Angeles busing case were shocked when the Supreme Court decided not to review the lower appeals court ruling against the busing program in L.A. With four votes needed to accept the case, only Chief Justice Rose Bird agreed that the court should have heard the appeal. Civil rights attorneys had expected review votes from Justices Stanley Mosk and Mathew Tobriner, who were included in the majority in the court's 1976 decision, as well as Justice Frank Newman, who is considered a member of the court's liberal bloc.

"I was confident that the California Supreme Court would hear our case," said Mary Ellen Gale, an ACLU attorney, one

Steven Pressman is a reporter for the Los Angeles Daily Journal and a frequent contributor to the California Journal.

day after the court turned down the case. "But this court is no longer the friend of racial minorities." Other observers expressed amazement that any court — and especially a court long considered in the vanguard of protecting and expanding upon constitutional liberties — would refuse to hear a case of such significance.

The next moves

While groups on both sides of the stormy busing issue reacted to the Supreme Court's refusal to review the case, they also went to work mapping their next moves. For the LA board of education, that meant taking immediate steps to halt the mandatory busing program, a program that had been fiercely resisted by several board members and implemented under protest after it was ordered by Egly. With only one pro-busing member on the board, Rita Walters, it hardly came as a surprise when the board, within days of the Supreme Court's decision, voted to permit bused students to return to their local schools right after their spring vacation in April.

Integration forces, meanwhile, began discussing their legal options even as they lamented the Supreme Court's action. "We will go to every forum," declared Joseph Duff, an NAACP lawyer, in an attempt to revitalize the Los Angeles busing program. For starters, that meant filing a request with the Supreme Court to reconsider its decision not to accept the Proposition 1 test case. The court promptly rejected the request.

Two weeks after the state Supreme Court declined to hear the Proposition 1 challenge, U.S. District Court Judge Milton Schwartz in Sacramento dismissed a similar suit brought against the measure in 1979 by the NAACP. Schwartz' action surprised NAACP lawyers who were attempting to include the LA board of education in the suit, in addition to a host of state officials already named as defendants.

In the LA case, an appeal to the U.S. Supreme Court has been discussed. Such an appeal would likely assert that Proposition 1 is unconstitutional because it was passed with the intent to keep California's schools racially segregated. Claiming that the measure singles out minority children as the victims of such schools, civil rights attorneys who have been pressing for mandatory busing argue that Proposition 1 has the effect of providing those children with less protection than that afforded to others in the state.

Some think such an argument would not fare too well before the nation's highest court, especially because Proposition 1 was specifically designed to bring California into line with existing federal law. At the same time, pro-busing attorneys in Los Angeles may come back to the trial court level in an attempt to prove that schools in the district have been intentionally segregated, a finding which would justify mandatory busing and place it outside the scope of Proposition 1. When the late Superior Court Judge Alfred Gitelson originally ordered the school board to devise a desegregation scheme in 1970, he ruled that both *de facto* and *de jure* segregation existed in the district. Gitelson was later reversed by the Court of Appeal, but he was eventually upheld by the California Supreme Court in its key 1976 decision.

Judge Egly's role

Los Angeles never set up separate school systems for black and white students. As a result, some think proving intentional discrimination in Los Angeles will be difficult if not impossible. "There is no proof of intentional segregation in the Los Angeles school district," says Robbins, "and the school board can end mandatory busing."

Interestingly, Judge Egly himself may have provided some of the evidence sought by lawyers to prove intentional

The interminable bus ride

The following is a chronology of events in the 17-year-old Los Angeles school desegregation case:

August 1963 — The American Civil Liberties Union filed a lawsuit against the Los Angeles Board of Education because of two racially imbalanced high schools. Three years later, the suit was expanded to include all schools in the district.

October 1968 — The desegregation suit began before Los Angeles Superior Court Judge Alfred Gitelson.

February 1970 — Gitelson directed the school board to draw up a desegregation plan after finding both intentional (*de jure*) and unintentional (*de facto*) segregation in LA schools. The school board appealed the decision and Gitelson's order was delayed until the appeal was decided.

March 1975 — The Second District Court of Appeal reversed Gitelson's decision on the grounds the school board did not intentionally segregate LA schools. The ACLU appealed this decision to the California Supreme Court.

June 1976 — The state Supreme Court upheld Gitelson and reversed the lower appeals court, ordering the school board to prepare a desegregation plan and submit it to the Los Angeles Superior Court.

July 1977 — Judge Paul Egly, appointed to hear the desegregation case after lawyers on both sides considered more than 100 judges, rejected a school board integration plan that called for busing some fourth to sixth graders to "learning centers" for nine weeks each year. Egly said the plan was unconstitutional and told the board to devise a new one.

February 1978 — Egly said a board plan for mandatory busing of students in fourth through eighth grades was permissible, but only as a first step toward "eventual desegregation."

September 1978 — Busing began in Los Angeles schools.

May 1979 — School board President Howard Miller, an attorney who supported mandatory busing, was recalled and replaced in office by Roberta Weintraub, an anti-busing leader.

October 1979 — Egly began to consider future phases of the desegregation plan. Attorneys for the school board shifted their stance in favor of an all-voluntary busing plan because not enough white students remained in the district for a mandatory plan to be effective.

May 1980 — Egly rejected the voluntary plan proposed by the board and issued a preliminary order for busing students in first through ninth grades beginning in September 1980.

December 1980 — The Second District Court of Appeal ruled that Proposition 1, an anti-busing measure passed in 1979, is constitutional and prohibits mandatory busing in Los Angeles.

March 1981 — The California Supreme Court refused to hear a plaintiffs' appeal of the appeals court ruling, which prompted the school board to end mandatory busing in Los Angeles. At the same time, Egly removed himself from the case.

segregation in a rare speech he gave about the school case just a few days before the Supreme Court allowed busing to come to an end. "What we're dealing with . . . is a large minority school district in which the children are truly isolated from the mainstream of American society," said Egly in a speech he gave at UCLA. Egly also accused school officials of "warehousing" minority students in segregated schools that enroll about 60 percent of the district's population.

Those comments and others made by Egly about minority students prompted school board lawyers to seek to have him removed from presiding over any further aspects of the integration case. As it turned out, Egly removed himself from the case just a few hours before the school lawyers acted, saying he was simply "burned out" after sitting on the difficult case for more than four years. Although he remained publicly silent about the Supreme Court's refusal to review the Proposition 1 case, Egly was said to have been devastated by that action. It may have sapped whatever energy he had left to continue on the case. Handling the long Los Angeles busing case left Egly with the desire only to retire from the bench when his current term expires in 1982. Egly's predecessor on the case, Judge Gitelson, was defeated for re-election in a campaign that focused exclusively on public opposition to busing; Egly obviously has no desire to go through a similar experience.

Another busing case

Ironically, Egly's departure from the busing scene could create another problem for LA schools. If the judge insists that he no longer has jurisdiction over any part of the case, then state money to pay for all desegregation — voluntary as well as mandatory — could disappear. At stake is not only the \$20.2 million from the state to help finance mandatory busing but a major part of the district's total \$162 million desegregation effort. This includes about \$46 million for voluntary programs and another \$62.5 million for special programs in racially isolated minority schools. In Sacramento, the betting is that LA will keep much if not all of these state funds, even though the programs they provide may no longer be considered court-mandated.

Although Proposition 1 escaped review by the state high court in the Los Angeles case, the issue is expected to come before the court in a busing case from the Ravenswood School District on the San Mateo Peninsula. That case, *Tinsley vs. Palo Alto Unified School District*, has been awaiting oral arguments before the First District Court of Appeal. The Supreme Court has been asked to assume jurisdiction even before the appeals court hands down an opinion. Despite the Supreme Court's action in the Los Angeles case, attorneys representing the plaintiffs in the San Mateo County case don't think Proposition 1 should bar mandatory busing there because the program involves far less dramatic steps than the ones taken in Los Angeles.

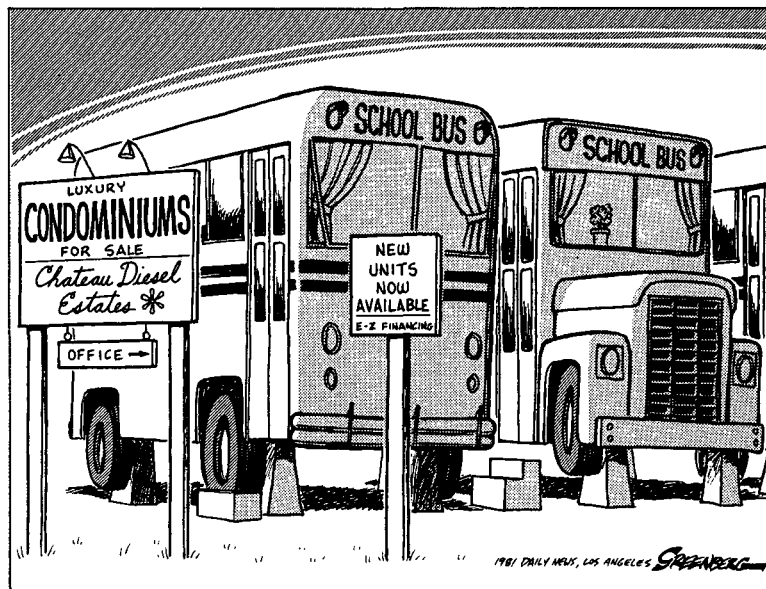
"Maybe it's constitutional to apply Proposition 1 in a situation of massive busing like Los Angeles," Gerald Marer, an attorney for the plaintiffs in the *Tinsley* case, told *The Los Angeles Daily Journal*, "but it's not constitutional where it would be reasonably feasible for some kind of a busing system to operate. You can't say that a reasonable plan can't be used."

Desegregation efforts among Ravenswood's 23,000 elementary school students involve only 3,000 black students and bus trips between schools no more than 12 miles apart. Marer says that Proposition 1 was designed to halt wide-scale busing like the kind used in Los Angeles with hour-long rides to schools on separate sides of the city. But, he insists, it should not interfere with smaller and less disruptive programs like the one for Ravenswood.

A division of the Court of Appeal in San Francisco ruled in 1979 that, even without a showing of intentional segrega-

tion, a trial judge could legally require busing across school district and county lines to achieve integration in Ravenswood schools. Proposition 1 addressed findings like that, but the appeals court in its 1979 decision anticipated such a measure and rejected its purpose. "If state authorities are under a constitutional mandate to desegregate, neither the Legislature nor the electorate may thwart granting of relief to those who have been deprived of an equal educational opportunity," stated the court.

Pro-busing plaintiffs in San Mateo County, meanwhile, like their counterparts in Los Angeles, say they may switch legal tactics and attempt to prove intentional segregation if necessary to keep Ravenswood's schools integrated.



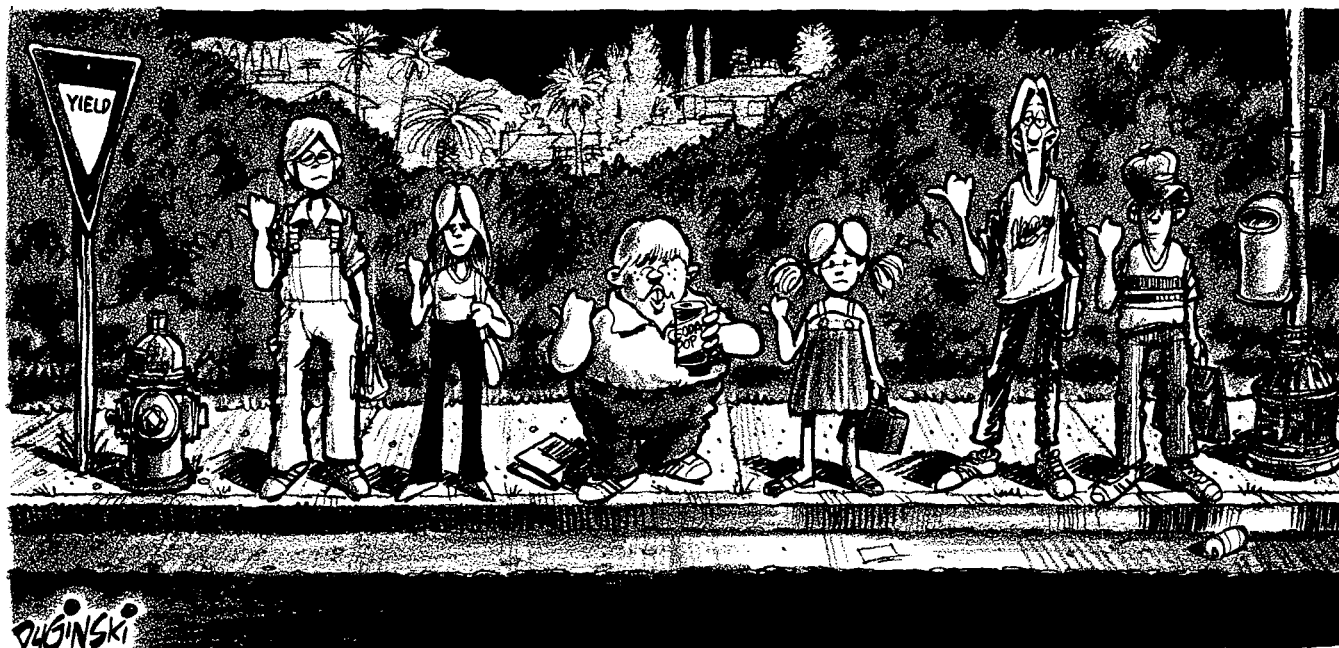
Such moves will undoubtedly be met with resistance from many school officials. In Los Angeles, they insist that segregation has not been intentional and that busing is not an effective remedy anyway. These officials add that efforts and funds that have gone into busing could be directed toward improving neighborhood schools and upgrading the quality of education in minority areas. Whether school officials live up to that promise will be the essential issue if legal avenues for continuing the campaign for busing prove unsuccessful.

"As we consider the effect of the Supreme Court's action, the important point to recall is that demography is a more potent force than judicial order," says Monroe Price, a UCLA law professor and court-ordered school desegregation monitor for two years in the Los Angeles case. "In a sense," wrote Price in an opinion-page article in *The Los Angeles Times*, "busing was a club with which to get society's attention to a desperate need for change. Now that the club is gone, Los Angeles' minority children deserve to retain the attention that judicial coercion won for them."

But civil rights groups which have long been in the middle of lawsuits over the use of busing remain unconvinced that attention will be paid to minority school children with the threat of judicial intervention removed. Opposition to busing expressed by President Reagan, his secretary of education and the growing number of conservatives in Congress, these groups contend, all add up to the need to continue to look to the courts for relief.

To some, the California Supreme Court's action in March may have spelled an end to nearly two decades of legal warfare over the use of busing in Los Angeles as well as other parts of the state. But to others, it may only be a signal that new battles are about to begin.

The LA parents who beg for busing



By KATHLEEN NEUMEYER

When the Los Angeles Board of Education voted last August to eliminate home-to-school busing, most people didn't take them seriously. It wasn't the first time the school board had threatened to cut "Pupil Transportation Based on Distance and Hazard," in order to balance the budget. For more than 35 years, the Los Angeles Unified School District had been providing home pickup for children who lived too far away or in areas where it would be dangerous to walk to school, or where no public transportation existed.

Every few years a budget crunch would cause the board to consider stopping the free rides. Parents would get irate, form committees, sign petitions, and at the eleventh hour, the district would come up with funds to keep the buses rolling.

Once before, in 1975, it seemed as if the board of education meant business. A few days before school let out in June, they announced there would be no school buses in the fall. Parents at the Bellagio Road Elementary School in Bel Air, a 100-percent-bused school where it is virtually impossible to walk along the narrow, sidewalk-less roads, rose up in arms.

Bel Air is one of Los Angeles' most affluent Westside neighborhoods, and its residents were not without political resourcefulness. "We were absolutely outraged," recalls Mary Erickson, a former Bellagio Road PTA president. "We telephoned every parent in the school and told them not to put their kids on the bus on a certain day. We decided to

show them what it would be like to have 650 parents driving 650 kids to that school every day."

Television crews were on hand as hundreds of cars lined up, honking their horns. "It was an unholy mess," Erickson recalls. "There was a picture in the *Los Angeles Times*, and every TV station ran it. Of course, some of them focused on how many Mercedes and Continentals there were, and they emphasized the Bel Air bit, but we lobbied all summer long, and two weeks before school, the home-to-school busing was reinstated."

But the routine was different last fall. Faced with the enormous expense of the mandatory busing program for desegregation, the board of education had little choice but to slash a number of services, including sixth period for some junior and senior high-school students and some athletic programs. The home-to-school busing cut added \$5.7 million to the kitty. The cuts weren't made until late August, while the board was still making last-ditch efforts to avoid beginning the desegregation program.

Waiting at the bus stop

Most of the news media attention was focused on the off-again, on-again desegregation. The situation changed so drastically from day to day that some children started school at one location and were transferred the next week. Parents had trouble keeping track of which school their children were supposed to attend, and in the general craziness, nobody paid much attention to the elimination of home-to-school busing. To people living in the flatlands near public transportation routes, it may have seemed an unnecessary extravagance for the schools ever to have offered free bus service.

Parents were not formally notified that the buses

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wouldn't run, and on the first day of school, some children went to wait at the usual bus stop and were surprised when the bus never came. Erickson assured her friends that the school board would restore the bus service; it always had before. By mid-September, she began to think, "Well, I'll be damned. This time they really meant it."

At a September meeting of the Benedict Canyon Association, a homeowners' group in a hillside area north of Beverly Hills, a group of outraged parents agreed to form a community action group to get the bus service restored. Erickson became co-chairman, along with Helen Schram and Barbara Hill, of a group eventually dubbed Parents to Assure Safe Transportation (PAST).

"At first, I just wanted our free buses back," Erickson says. "But the more I got into it, the more I realized that with the overall budget problems, what in the name of God were we doing, asking for free busing?"

There were early efforts to get the state Legislature to provide funds to restore the buses, but although state Assemblyman Howard Berman and state Senator Alan Sieroty expressed sympathy to their constituents, nobody seemed willing to introduce any bills. Three city councilmen asked Governor Jerry Brown to call a special session of the Legislature to vote funds for the busing, but he didn't respond. Most government officials seemed to read the mood of the taxpayers as being generally opposed to anything that would cost money, and a bill to benefit 25,000 Los Angeles school children appeared politically doomed.

PAST almost immediately abandoned hopes of free service and began badgering elected officials for a bus service parents could pay for. The board ordered a survey to see how many parents would be willing to pay \$1.50 a day for the first child riding the bus, and \$1 a day for each additional child. But complaints began immediately. "If there were 47 kids in a classroom, perhaps only 10 of the kids needed the survey," says PAST co-chairman Schram, "and they may not have been listening. I have two kids and neither one of them brought the survey home. Some children may not have known what hazard and distance meant, and whether that applied to them. They shouldn't have left it up to the kids. What kid wouldn't rather have his parent drive him in the car with a stereo than to go stand on the bus stop and ride the bus? It should be a parental decision."

Other parents complained that the form didn't have room for them to explain that they wanted the service but couldn't afford to pay for it. When the results were tallied, school officials reported that of 130,000 questionnaires distributed to 118 schools, only 6,000 were returned. Among those, only 2,100 indicated a desire to pay for bus service. Officials concluded there was "insufficient interest" to warrant a paid busing plan.

Pushing for a law

Newspaper stories emphasized that many of the children involved in the hazard/distance cutoff lived in "affluent" hillside areas, but in fact, the 118 schools involved are located all over Los Angeles County — in the Santa Monica Mountain areas, the West San Fernando Valley, Carson, San Pedro, Highland Park and Westchester. Eight of the 12 Los Angeles councilmanic districts were involved. Of the 25,000 children affected, nearly one-fourth of them are classified as indigent and eligible for the federally subsidized free lunch program. And even in the affluent areas of Benedict Canyon, Beverly Glen, Bel Air, Brentwood, and Mandeville Canyon, many families have two working parents and find it difficult to participate in carpools. At a December board meeting, a group of angry parents persuaded the school board to order a new survey. Schools are now being considered on an individual basis; any school which has 50 parents desiring a paid bus will be considered for a route.

Principals will issue free passes to children eligible for the free lunch program, with the school district picking up the tab.

Meantime, parent groups are exploring other means of subsidizing the transportation program. The 31st District of the PTA, which represents about half the schools in the Los Angeles area, wants the state to require schools to provide hazard and distance busing at a cost equivalent to public transit fees. Erickson is also pushing for a bill requiring school districts to provide hazard/distance busing. But Los Angeles area lawmakers are skeptical that such a bill could pass. Muff Singer, administrative assistant to Assemblyman Howard Berman, says that Berman feels that the current user fee is too high, and that he will work to get Los Angeles as much state funding as possible, in hopes that the school board will then be able to allocate some for home-to-school busing.

"We would like to find a way of reducing the cost," Singer says. "The hillside residents aren't asking for something for nothing, but they feel that they are being penalized for where they live, and that this is working an undue financial hardship." But trying to introduce "a special bill for Los Angeles in this year of the shortfall is not feasible," Singer says.

"We're at a fork in the road," Erickson says. "We can try to get help from the state Legislature, or we can seek subsidization from the city or county, or from a joint powers agreement involving the city, county, school board and the community, to try to get an affordable fee."

"The dilemma is whether we could be better off with a state mandate. I think the need is great in the entire state of California. Most people assume that a school bus goes along with a school. When you buy a house, you ask what the schools are, and when people bought houses in the hills, they assumed that there would be buses to get their kids to school," Erickson says.

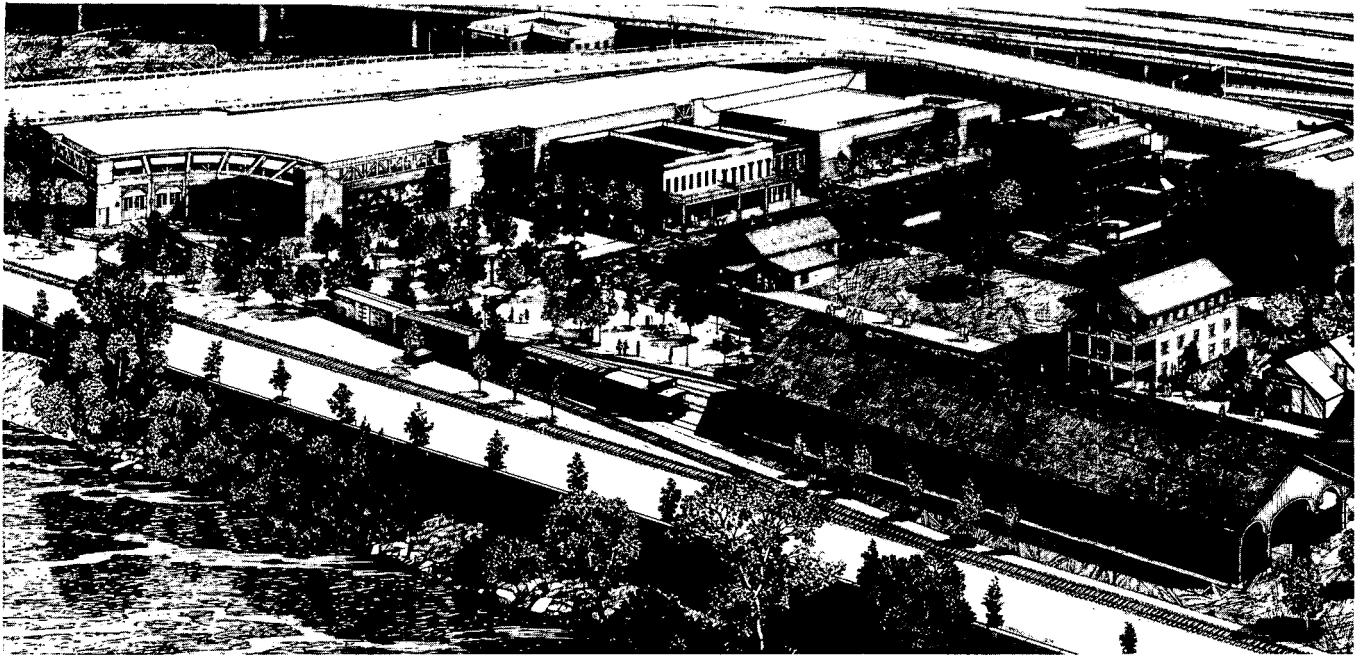
"My guess is that it would be foolish to just take care of the problem in the city of Los Angeles. I feel like the proper way to do it is to put a mandate on the books that school buses come with the schools."



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Big Toys for Big Boys



Artist's rendition of the new state railroad museum in Sacramento

By KERRY DRAGER

This month the first American railfair in 32 years will mark the grand opening of the California State Railroad Museum, along Sacramento's historic riverfront. Musical pageants, special events and sparkling locomotives from throughout North America and Great Britain will headline the nine-day celebration. Says museum executive coordinator Stephen E. Drew: "It will be a major media event to let the world know that, after three years in the making, the museum is finally done." The \$20 million product of the state Department of Parks and Recreation is billed as the nation's largest railroad interpretive museum. Nearly 1 million visitors are expected to visit annually.

But beneath the fanfare heralding its opening is a pervasive murmur of controversy:

- **Last year**, three museum officials were fired amid charges of conflicts of interest and improper personnel and financial practices. All were later reinstated, and no criminal charges were ever filed.

- **More recently**, criticism has been growing over the museum's limited interpretation of railroad history. "It's antiquarian," a Sacramento historian complains. "It's not balanced history. They've dealt only with the technology of the railroad industry. They have not dealt with the history of the working people — those who built it, operated it and maintained it." Another observer adds: "When you're taking \$20 million of public money, you should make sure that the entire history is told and not just the nice parts."

- **It's been claimed** that the museum sidesteps the blemishes and instead concentrates on the more romantic,

positive aspects of railroading in California. Railroad power brokers played a controlling and sometimes scandal-ridden role in the development of the West, particularly in California. For nearly half a century, as one historian puts it, the Central Pacific and later the Southern Pacific "rode roughshod over the state."

In recent months, state officials have responded to such complaints. "We've put more emphasis on the contributions that people have made to railroads and the impact that railroads have had on people," says Neil Johannsen, deputy director of Parks and Recreation. Still, he acknowledges, it's mostly a technological museum — about two-thirds dealing with "hardware" and one-third with people. Johannsen adds, though, that the orientation toward people will gradually increase. And other phases of the museum will evolve as well. "A museum should never be done," he stresses.

- **The museum's** representation of railroad history hasn't been the only concern. Denny S. Anspach, a Sacramento radiologist considered by many to be the "father" of the railroad museum, fears that the state will run it not as a museum but as a park. Instead of a museum director, there will be a ranger to oversee all of Sacramento's state parks. "That is almost catastrophic in its consequences," Anspach says.

A long history

The birth of the museum idea dates back to the 1930s, when the Pacific Coast Chapter of the Railway and Locomotive Historical Society began collecting objects for eventual inclusion in a state railroad museum. In 1961, Anspach became the chapter's director of museum affairs. In 1969, the organization presented its first contributions to the state. And in the early 1970s former Democratic Senator Albert S. Rodda, who represented Sacramento for 22 years, initiated

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legislation creating the California State Railroad Museum. It was signed by then-Governor Ronald Reagan. Old Sacramento, where railroading in California got its start more than a century ago, was chosen as the museum site. "That's very significant," says museum coordinator Drew. "It's a real key to our credibility. We're one of the very few railroad museums in the nation which is really on historic soil."

The project consists of three parts:

The Central Pacific Passenger Station, a reproduction of the original 1867 structure. It opened in 1976 and is just one block from where the ground was broken for the trans-continental railroad in 1863. The station houses a ticket office, waiting room, lunch counter, baggage room and historic railroad equipment.

The Big Four Building, named for the Sacramento financiers of the Central Pacific: Leland Stanford, Mark Hopkins, C.P. Huntington and Charles Crocker. This authentic structure, opened this month, includes a replica of the original Huntington and Hopkins hardware store, a fully staffed railroad library and archives, and a re-creation of the Central Pacific's board room.

The Museum of Railroad History, the largest and most ambitious phase of the project. This 100,000-square-foot, three-story brick building houses 21 fully restored historic locomotives and cars; a 10,000-square-foot diorama — the first of its kind developed in a railroad museum — that depicts a Central Pacific Construction site near Donner Summit in the High Sierra in 1865; a large collection of railroad artifacts, twin theaters, and 40 interpretive exhibits. In addition, there's the museum's impressive collection of rolling stock — a total of nearly 60 locomotives and cars, 21 of which will be on display at any one time. A \$2.5 million program is "professionally restoring, without compromise" all of the pieces, Drew says.

The entire project is coming in within budget, but the museum is unfinished. In one sense, officials hope that it never will be complete. "A museum should always be changing," says Johannsen. "That will give people a good reason to come back. It's too big an investment and it's too exciting a museum to let it go static."

Punctuated with problems

The museum's recent history has been punctuated with problems. In 1980, after a six-month investigation by the state attorney general's office and the state Personnel Board, three officials were fired, museum curator Barry Garland and museum supervisors Norman Wilson and William Pritchard. In addition, Drew was removed from his top post and reassigned; one month later he was reinstated when it was found there was "no real incriminating evidence" against him. The three fired officials were later reinstated as well — Garland and Pritchard are back with the museum and Wilson is assigned elsewhere in the department. No criminal charges were ever filed in the case.

While the commotion resulting from the investigation and allegations of wrongdoing have died down, other concerns linger. Chief among them is criticism of the museum's emphasis on technology rather than on human history. The project has been referred to as a mecca for railroad buffs — persons primarily interested in the nuts and bolts of railroading. It's been described as a "display of big toys for big boys." As a result, say its critics, the museum has largely ignored the role of everyday people. "Common laborers sacrificed to build a famous piece of American history," points out one historian. While the Chinese constructed the Central Pacific's initial line, Hispanics later contributed heavily to railroading in the West. Black labor leader A. Philip Randolph organized the powerful Brotherhood of Sleeping Car Porters in 1925. And women

toiled as well on the railroads, particularly during wartime. "They've talked about including women and ethnic groups in the museum," one observer notes, "and I'm sure they will. The question is whether they are going to do enough of it."

Adds history Professor Kenneth Owens of California State University, Sacramento: "I have a very deep concern that they have not adequately utilized historians with appropriate professional training and background in the museum's interpretive programs, particularly in positions of high-level responsibility. Substantial work has been done without adequate historical investigation of the social, the economic and the political role that the railroad has played.



CHRIS VAN OVERLOOP

My concern is not just with what is in the museum, per se, or what will be in the museum. My concern is more with the process in which this museum has come into formation — the process in which a supposed historic museum has largely avoided the opportunity to do good history."

One museum exhibit, the People Garden, does feature lifesize, voice-equipped mannequins that depict the various railroad occupations. A Chinese worker talks of the oppressed times of the 19th century, Rosey the Riveter discusses the women involved in the railroads during World War II and a Hispanic laborer tells about laying track in Southern California. "We've designed in the flexibility to keep rotating and changing displays," Drew notes. "If it's related to railroading in any way, shape or form, there's a place for it in this museum."

Adds Parks Deputy Johannsen, "If we were starting over, I might have put more emphasis on people. But we have to climb on the horse we get. However, there are probably things that we'll adjust in time. And, because of the concerns that have been expressed to us, increasing the orientation toward people is one of them."

There are also concerns about the adequacy of the operating staff. The entire complex will have a permanent, full-time staff of 36, plus an unspecified number of seasonal

workers. About one-third will be museum professionals. (Executive Coordinator Drew will continue with the museum as one of several curators.) However, in the proposed budget submitted in 1979, 38 new permanent positions were requested for the Museum of Railroad History alone. That figure was ultimately trimmed to 25. Likewise, the \$1.25 million proposed annual operating budget also has been cut to \$1 million.

The reductions have led to questions of whether the staff is large enough to run the museum adequately. "I'm concerned whether or not they're going to be able to operate the museum once they get it opened," says James Henley, director of the Sacramento City Museum and History Division who was involved in the project during its formative stages. "They're going to need a large professional staff. I think the public will be awestruck by the museum when it opens. But the survival of any institution in the long term is just that — its long-term programs and development."

Johannsen acknowledges that the staff is less than what was requested by the Legislature. "We'll have to go through some learning experiences here," he says. "We've never built nor operated a world-class museum like this before. If we have problems running the museum with the size staff we have, then we have to communicate that clearly to the finance committees of the Legislature. But from the perspective that I have right now, I think it's going to work just fine."

Park or museum?

There are other staffing worries: The railroad museum and three Capitol state parks — Sutter's Fort, the Indian Museum and the old Governor's Mansion — will be run as one unit with one manager. This lumping together of the museum with area parks has stirred criticism. And some observers are particularly dismayed by the lack of a museum director. "A museum is not just a building filled with historical objects," says Sacramento's Anspach. "A museum is an educational institution. There has to be someone there to provide the programs, and to constantly assess what's going on and be able to change it. The museum's activities — the creative activities — will be under the direction of park rangers. I have nothing against park rangers — they're skilled people. But they don't know a thing about running a museum."

Anspach compares the situation to a new restaurant — it is generally considered that a restaurant can last a year on decor alone, he says. But, after that initial period, unless good food is served, people will quit coming. "And that's exactly what's going to happen with this museum unless they decide that it must be run like every other museum in the country," he predicts.

Deputy Parks Director Johannsen disagrees. "Overall management will work for all of the units in Sacramento," he says. "We're running museums all over the state without museum directors. People seem very happy with what we're doing. Hearst Castle, you could say, is a museum. And Hearst Castle has become world famous under our operation. What can I say?"

There are two factors that no one can deny: The museum building is impressive and the collection of rolling stock has been beautifully restored. The pieces include the 40-ton Governor Stanford, the Central Pacific's pioneer locomotive, built in 1862; the 29-foot-long C.P. Huntington, also built in 1862; the Southern Pacific's Locomotive No. 1; a Great Northern Railway post office car; and Southern Pacific's last cab-forward steam locomotive which is nearly 126 feet long and weighs more than 1 million pounds. The St. Hyacinthe, a sleeper built in 1929, simulates the movement and sounds of a train in motion, and a narrow-gauge freight train looms 24 feet above the floor on a bridge between the Great Hall and the Roundhouse.

"Every person who has seen that museum comes away dumbfounded by what we've done," says Johannsen. "I think we did a superb job. And once the museum opens, the real constructive ideas will start to flow. We're going to listen to people's comments, and we're going to start changing. We'll continuously rotate and vary exhibits. The museum should stay dynamic. That's what a museum is all about."

Not everyone is so optimistic. While railroad buffs will love the museum, critics say, those interested more in railroading's impact on California may feel shortchanged. And if the museum is operated like a park, will its creative development suffer? "I feel the museum has the potential to be one of the most exciting continuing attractions in California," says Anspach. "And that's why it's doubly galling, triply galling, that the potential might not be fully realized."

Newsmakers

Chief Big Spender

State Senator **Ed Davis** spent a record \$776,000 to get elected to the Legislature last year, according to the state Fair Political Practices Commission. All candidates for the Legislature spent a total of almost \$36 million, an average of \$360,000 a seat. The speakership race between **Leo McCarthy** and **Howard Berman** helped swell the spending . . . **George Reilly**, who has held office longer than anyone else in California history (since 1939), announced that he will not seek another term on the state Board of Equalization next year.

Candidate parade: **Theodore A.**

Bruinsma, dean of the Loyola law school in Los Angeles, said he plans to enter the Republican primary for U.S. senator next year . . . GOP Congressman **Jerry Lewis** is raising funds for a possible campaign for lieutenant governor . . . **Steve Horn**, president of Long Beach State University, has been rumored as a possible candidate for several offices, including superintendent of public instruction.

John V. Papan, 21-year-old son of Assemblyman **Lou Papan** of Daly City, died from a rare malady known as "Papan's syndrome" after a long illness . . . Dead at 69: **Arthur J. (Jack) Wel-**

Francisco Examiner for 38 years prior to his retirement in 1976 . . . **Charles B. Kirk**, a deputy attorney general, was cleared of two counts of criminal contempt stemming from a 1979 civil lawsuit.

Governor Brown appointed Veterans Affairs Director **Virginia Mae Days** a Santa Clara County municipal court judge and **Jan Denton**, aide to Resources Secretary Huey Johnson, as director of the state Department of Conservation . . . Former Sacramento County Supervisor **Fred Wade** was appointed to the state Fair Political Practices Commission by Attorney General George Deukmejian.

California's LNG project: afflicted with a terminal illness

By HERB FOX

The liquefied natural gas (LNG) terminal proposed for Point Conception is dying. Southern California utility managers are struggling to revive their \$5 billion dream to import 25 percent of the state's natural gas supply from south Alaska and Indonesia. But the controversial project is definitely "belly up," in the words of John Geesman, executive director of the California Energy Commission (CEC).

Geesman derives his pessimism from two major setbacks suffered this past winter by Western LNG Terminal Associates, the project's sponsor:

- **Pacific Gas and Electric (PG&E)**, one of the two utility partners in Western LNG, withdrew its financial obligations for the south Alaskan branch of the LNG project and for the expensive, experimental LNG supertankers. Most significantly, PG&E now concedes that it does not need LNG in order to continue to supply its customers with natural gas.

- **Western LNG** has "relinquished" its contractual rights to natural gas in Indonesia, which was scheduled to provide 55 percent of the daily intake of LNG at Point Conception. Indonesia is now selling to Japan the gas earmarked for California. Although the utilities maintain that Indonesia is still committed to delivering LNG to California in the future, neither the additional reserves nor the price this OPEC-member nation will demand are yet developed.

These decisive events stem from a series of natural and political roadblocks that has delayed final regulatory approval of the LNG project for more than two and a half years. The roadblocks developed despite efforts made in 1977 by Governor Brown and the Legislature to place LNG on an unprecedented "fast-track" regulatory route. The overall threat to the project today is the nationwide, long-term glut of natural gas which has washed away the need for LNG in light of its increasing cost and the declining demand.

A 'fiasco' unfolds

The story of what John Geesman now calls "the corporate energy fiasco of the '70s in California" began in the early part of the decade. It involves major utility corporations, a politically attuned governor, a handful of active Native Americans, and an almost Byzantine undermining of a project that was once considered unstoppable.

Southern California Gas (SCG) was the original prime mover behind LNG. The projected decline of gas reserves in the Southwest and pessimism over Canada's interest in renewing gas supply contracts led SCG to promote a global vision of gas supplies from the entire Pacific Basin. In Indonesia and Alaska, natural gas would be frozen to a liquid state at 260 Fahrenheit degrees below zero (where the fuel is concentrated to one six-hundredth its normal volume), and loaded into the largest tankers in the world, bound for Los Angeles Harbor. It would be the largest and most expensive

energy project ever developed in California, and SCG needed a well-financed partner. It soon found PG&E.

But the LNG project was problematic from the start. Liquefaction is a highly dangerous and expensive way to transport natural gas. An LNG supertanker holds the energy equivalent of a one megaton bomb — 80 times more powerful than the Hiroshima bomb. (This fact led the LA City Council to reverse its original support for building the LNG terminal in LA Harbor.) By the time LNG reaches the consumer for heating and other purposes, it costs two to three times what traditional natural gas does. Moreover, the importation of LNG from Indonesia would make California newly dependent on an unstable OPEC-member nation.

Why, then, did the LNG proposal go forward at all? The utilities' interest in capital-intensive, expensive LNG is based in part on their ability to earn a guaranteed rate of return on investments. Because LNG is deemed a "risky" venture, the PUC would allow the utilities a 15 percent return which is higher than the normal rate permitted. The utilities cannot lose on the deal, since other PUC provisions remove the burden of risk from the utilities and place it on the consumers, who would pay for the completed project even if a Btu of LNG never arrived on California shores.

That point was underscored by Pacific Lighting (SCG's parent) President Joseph Rensch, who once made local headlines by telling a Santa Barbara audience that a costlier project would mean "more eventual dollars of return to the sponsors."

Fast tracking

So by 1976, the utilities embarked on a lobbying and public relations campaign predicting dire consequences for California if an LNG facility were not immediately built. Using what two state energy commissioners have called "scare tactics" and "terrorizing techniques," the LNG lobby pushed for an expedited regulatory process to approve an LNG terminal in time to avoid a natural gas shortage by the winter of 1980-81. The crisis, it was said, would shut down hundreds of small- and medium-sized businesses and result in the layoff of 700,000 workers in Southern California alone.

The utilities' power of persuasion reached as high as Governor Jerry Brown, who now concedes that "they really talked me into it." The governor faced the potentially embarrassing fact that his father, former Governor Pat Brown, had a business and lobbying connection with Indonesia's oil and gas industry. Thus the younger Brown had every reason to stay at arm's length from LNG. But the political pressures of 1977, which one person in the governor's office calls "the greatest I've ever seen," forced Governor Brown into a strongest advocacy position on LNG.

Earlier that year, Brown had been bruised by the loss of the Dow Chemical plant in Contra Costa County. After remarking that Californians "didn't want to live in a cancer belt," Brown was pummeled for being too tough on business. The governor went on the defensive. "California Means Business" buttons appeared in his office, reminiscent of President Ford's WIN buttons, as new efforts were made to attract business to the state. Some of Brown's key energy advisers

Herb Fox is a free-lance writer who has covered the LNG story for the Santa Barbara News and Review for the past three years.

supported LNG (Robert Batinovich, then president of the PUC, was calling for an "LNG economy"), and so in 1977 Brown endorsed and signed into law the LNG Terminal Siting Act (SB 1081).

Although touted by some as a compromise measure between the utilities and environmentalists, SB 1081 actually established an unprecedented "fast-track" regulatory procedure for state approval of the Point Conception site designated by Western LNG. The bill handed the project to Batinovich's PUC, an agency which anti-LNG spokesmen said lacked the analytical capacity to look at supply-demand and safety issues. The special routing negated the normal planning roles of Santa Barbara County and the Coastal Commission. SB 1081 set a July 31st, 1978, deadline for the issuance of a final construction permit to Western LNG, giving the PUC only 10 months to develop data to support the license.

Anti-LNG lobbying efforts by environmentalists and Santa Barbara landowners proved futile. By early 1978, it appeared that LNG was running on an express track toward Point Conception — the only site which could meet the deadline and remoteness criteria spelled out in the act.

But as action creates reaction, the momentum of LNG began to create its own opposition. Just three months before the July 1978 permit deadline, an apparently active earthquake fault was discovered on the proposed LNG site, setting into motion a chain of events that eventually eroded the project's political support and economic logic.

Sacred land

It was a coincidence that the Santa Barbara Indian Center, dedicated to preserving Native American culture, was established at the same time that SB 1081 became law in the winter of 1977-78. But for the Indian Center, it was only logical to join in the environmentalists battle against LNG at Point Conception. Older Chumash Indians remembered being taken out to the Point years before by their grandparents, who explained that this land was *humkak*, roughly translated into the Western Gate from where the soul departs for the afterworld upon death. Point Conception is the most sacred land on the continent, they were told, and the role of the Chumash people is to be the "keepers of the gate."

The Indians regarded the plans to build an LNG facility at Point Conception as desecration, likened by one activist to "selling popcorn at the Wailing Wall." The Indians made several appearances before state and local agencies to plead their case to preserve Point Conception, apparently to no avail. The lobbying soon escalated into real life drama in May 1978, when the Indians established a vigil at Point Conception to physically prevent Western LNG from excavating large trenches in search of evidence of the newly discovered fault line. The Indians eventually set up a "permanent" camp near the site to protect the Point as well as the archeological remains of the ancient Chumash capital village of Shisholop. The Indians held up the seismic trenching program for more than a year, and the lack of adequate seismic data prevented the PUC from issuing the mandated final permit on schedule.

As the Indians and the utilities eyeballed each other in a tactical stalemate throughout 1978 and '79, Governor Brown took the opportunity to rethink his position on LNG. Tom Hayden and the Campaign for Economic Democracy (CED) threatened to withhold support for Brown's gubernatorial race unless he softened his support for LNG, and Fred Branfman (now the governor's research director) authored a report stating that California could not afford both LNG and a major solar energy commitment. LNG became the subject of sharp exchanges between Hayden and Branfman on one side, and Batinovich of the PUC on the other. At one point, Batinovich proposed to support CED's SolarCal program in exchange for CED's dropping its opposition to LNG.

As it became apparent to Brown that some voices he re-

spected believed that he was misled on LNG, the governor relented ever so slightly from his hard-line support for the project. He gave CED a private pledge to see if there was any "new evidence" with which he could change his mind. In early 1979, Brown allowed Hayden to set up a meeting in Santa Barbara between the Indian Center and Richard Silberman, the governor's finance director, and Jacques Barzhagi, a close aide.

Silberman was given *de facto* control over reconsideration of LNG. Batinovich was leaving the PUC, and Brown wanted to do some double-checking. Silberman eventually came to the conclusion that the critics of LNG were correct. He was persuaded of the Indians' sincerity, but he concluded that economics alone would kill the project.

Most significantly, Silberman began to question the role of the private utilities. An entrepreneur himself, Silberman was thinking that the utilities have it easy. "They wake up in the morning with a guaranteed rate of return by the end of the day," he frequently noted. He also began to doubt the dimensions of the predicted "crisis." For example, the demand for electricity in California was growing at a rate 300 percent less than the utility companies had forecast just five years earlier.

As Silberman recalls it, he began meeting with utility executives "telling them that they weren't doctors or religious folk heroes, that they should be service corporations giving options and doing what the public wants in a democratic society. They thought they were just in the business of pumping electricity." The governor also spent time delivering the same message to the utilities, Silberman says.

Brown met with representatives of the Indian Center in early 1979, indicating that the LNG issue had been reopened in his mind. The stampede to an "LNG civilization" had begun to stumble in the face of the Indian's time-consuming intransigence and the governor's quiet agreement to reconsider.

A natural gas glut

When 1980 rolled in, the LNG project was already 18 months behind the SB 1081 schedule, and the new decade brought new hardships for Western LNG. The seismic surveys, finally under way by November 1979, turned up new earthquake faults almost every place a bulldozer's blade touched down. A federal court in Washington remanded the seismic portion of the case back to Energy Department staff for review — in effect, temporarily revoking the federal permit.

Meanwhile, attorneys for Santa Barbara's anti-LNG Hollister and Bixby Ranches filed a lawsuit alleging abridgement of due process in the case by high-ranking federal officials, creating a new legal morass. Here on the West Coast, former Assemblyman Charles Warren, fresh from his environmental post in the Carter Administration, was hired by the Bixby Ranch to begin a quiet lobbying effort against LNG.

But the most threatening situation of all to the utilities was that California was not running out of natural gas, as they had predicted in 1977. In fact, a glut of domestic supplies led federal policymakers to urge utilities to burn gas instead of oil to run electric turbines. Increased prices plus the advent of conservation has caused a 6 percent reduction in gas demand by California homeowners since 1977. The turn of events presented a structural nightmare for the utilities. Conservation suddenly became the hottest item on the market — yet, as the CED staff put it, it is a commodity which the utilities "have essentially no experience at producing or marketing, and for which they hold no monopoly, either natural or government-endowed."

The cause of the dynamic change in the gas supply picture was, of course, President Carter's 1978 decisions to gradually decontrol the price of interstate gas. Decontrol spurred "discovery" of gas where producers previously found none.

By 1980, the federal government had approved the construction of a pipeline to bring Alaskan north slope and Canadian gas to Northern California, while new contracts for Mexican supplies were signed. PG&E also proposed the construction of a pipeline to link new and growing reserves in Utah and Wyoming to its distribution system. The California Gas Producers' Association contends that supplies are now 40 to 60 percent above the predictions made by the utilities in 1977.

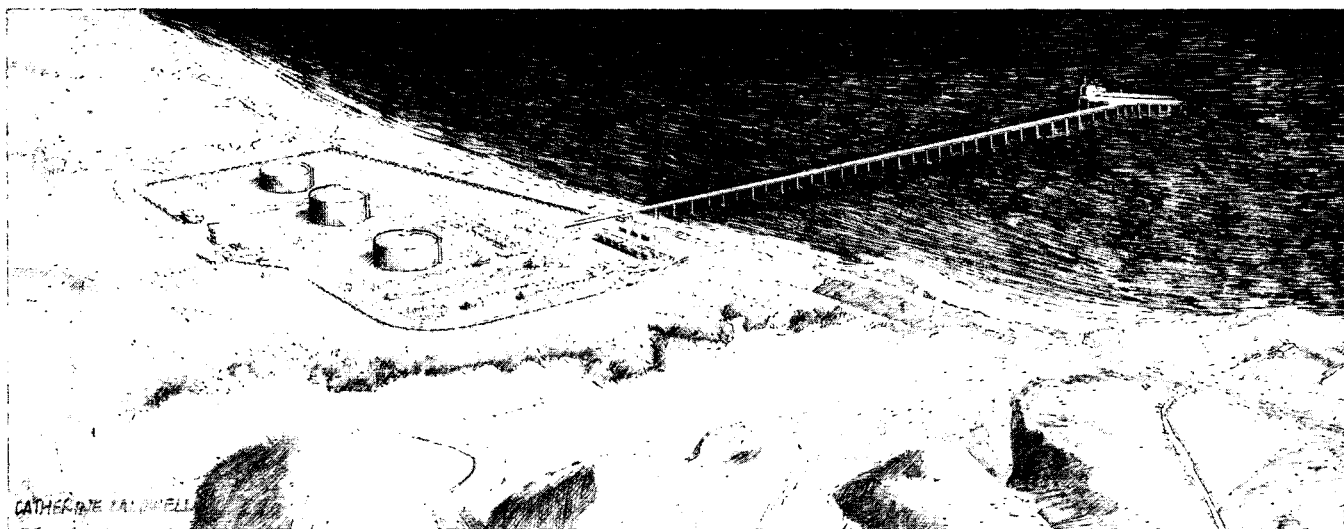
And then in the spring of 1980, the bottom fell out of the international LNG market. Beginning last April, Algeria — currently the only foreign supplier of LNG to the United States — imposed an LNG embargo pending U.S. acceptance of a 200 percent price hike. Indonesia immediately announced that it was watching the price situation closely. The embargo has kept two brand new East Coast LNG terminals shut down, and El Paso Gas, operator of the ports, reported an 85 percent drop in earnings soon after the embargo began.

You don't want to take credit for something only to get tarred with it," says an official in the governor's office.

A string of cancelations?

Beyond California, the industry's *Oil and Gas Journal* quotes a U.S. official as saying the country is about to phase out LNG imports, "ending a 21-year-old business that hardly got off the ground." And according to *Business Week*, "Point Conception could be the first in a string of LNG projects to be canceled. Three others are in trouble partly for the same reasons — copious gas supplies and frugal customers."

But an autopsy of the LNG project should not be written prematurely. Western LNG maintains that the project is viable and will be back on-track as soon as investors are found to replace PG&E's role. And the PUC is continuing its regulatory proceedings, awaiting a final report on the seismic state of the Point Conception site from a blue-ribbon panel of independent geologists, engineers and seismologists.



How the proposed Point Conception LNG terminal would look

In the meantime, an internal dispute over energy strategies was raging at PG&E's San Francisco office. The debate pitted engineers, traditionally in control of the utility, against lawyers and financial experts such as the PG&E vice president for corporate planning, Mason Willrich, described by a Sacramento official as an "East Coast eco-lib." The engineers argued for increased expansion in accordance with high-demand projections, while the lawyers and financial people argued for a conservation-oriented approach.

A result of that debate was a report filed with the PUC in December, announcing PG&E's new long-term plan to limit major capital in light of declining demand and the utility's own precarious ability to attract new investors. Among the first casualties of the retrenchment is the utility's role in building the south Alaskan LNG facility and the LNG supertankers. PG&E says it still hopes to play a role in the construction of the Point Conception facility proper, but it admits that LNG can be wholly replaced with Canadian supplies if need be.

When asked if LNG is dead, one high-ranking PG&E official recently replied, "I wouldn't agree. It would be premature to say that. There is still some life in there. But I hope you realize that it was a major decisional process for us."

While utility managers are reticent to admit it, few state or federal officials think the Point Conception LNG project will ever be built. "We talked it to death," is the way one of the most authoritative of state officials puts it. "That turkey will never exist," says another. "Jerry will be happy if LNG goes away, as long as he doesn't get caught in the credits.

It is also possible that the Reagan Administration will agree to support the project for foreign policy and other purposes. Indonesia is one of the few anti-Communist allies left in Southeast Asia, and Attorney General William French Smith resigned his position on Pacific Lighting's board of directors before taking his new post. Another scenario often mentioned is that Western LNG might accept and then "bank" a permit, holding off construction in the hope that the future will hold a brighter prospect for the LNG industry.

On the other hand, opponents of LNG are not abandoning their efforts. Discussions are now under way for a new coalition of environmental and consumer groups — to be led by Towards Utility Rate Normalization (TURN), the Sierra Club and the Alliance for Coastal Management — to petition the PUC to reopen hearings on the need for LNG. Lionel Wilson Jr., LNG project manager for the PUC staff, has suggested that the staff itself might recommend that the commission review the gas supply-and-demand forecast for California. Such hearings might provide the final nails for the LNG coffin, for SB 1081 requires that the PUC establish that a natural gas crisis is imminent before it issues a permit.

If the PUC cannot provide a basis for declaring such a gas emergency, then the only remaining question will be: How will the utility companies be reimbursed for the \$250 million they've already spent preparing for the LNG terminal that will never exist?

For additional material on the Point Conception project, see "The LNG Controversy" in the July 1977 Journal.

A record of rhetoric

The 1981 Legislature took its annual Easter vacation in mid-April after compiling a record that can be summed up in six words — "plenty of rhetoric, not much action." But there's nothing unusual about that. New Legislatures almost always take several months to get organized, especially in years that see changes in leadership. And the main issues of the year appeared so complex that early solutions could hardly be expected. The main issues:

- **The budget.** Legislators were not especially pleased with the details (or lack of them) in the spending plan developed by the Brown Administration. But no consensus appeared to be developing about how the state should cope with its first tight budget since the passage of Proposition 13. Legislators traditionally pass the budget with a flurry of activity in late June and early July. The final budget plan is submitted by the governor in mid-May.

- **Reapportionment.** The Legislature did not get census-tract figures from the federal government until March 31st. There were so many conflicting views about redistricting that speculation was increasing that the Legislature would not be able to resolve the issue this year, especially if an effort is made to attain a bi-partisan compromise. The big question: How will the state resolve the necessity to add two more congressional districts?

- **Crime.** The public is more concerned with crime than any other issue, according to polls. Politicians of both parties, including Governor Brown, attempted to take the lead on the crackdown on crime. The main question was not



which bills would be passed but rather which party and which politicians would get credit for them.

With these major issues hanging in the balance, lawmakers started moving measures that would prevent the eating of dogs and cats, repeal a provision of a 1980 law requiring doctors to report evidence of sexual intercourse by their minor patients, and appropriate funds for the battle against the dreaded Mediterranean fruit fly.

SENATE (23D, 17R)	SB 322 SB 49 SB 82 SB 168 AJR 19		SB 322 SB 49 SB 82 SB 168 AJR 19		SB 322 SB 49 SB 82 SB 168 AJR 19		SB 322 SB 49 SB 82 SB 168 AJR 19
Alquist (D)	Y*YYY	Doolittle (R)	N*NN*	Maddy (R)	YYYY*	Richardson (R)	NNN*N
Ayala (D)	*YYY*	Ellis (R)	NN*NN	Marks (R)	YYYY*	Robbins (D)	*YYYY
Beverly (R)	YYYY*	Foran (D)	YYYYY	Mello (D)	Y*Y*Y	Roberti (D)	YY*Y*
Boatwright (D)	YYYY*	Garamendi (D)	Y*YYY	Mills (D)	YNNYY	Russell (R)	*YYY*
Briggs (R)	**YN*	Garcia, A. (D)	YYYN*	Montoya (D)	NNYNY	Schmitz (R)	NNNNN
Campbell (R)	**Y**	Garcia, M. (R)	*YNY*	Nielsen (R)	Y*YNY	Sieroty (D)	Y**YY
Carpenter (D)	*YY*Y	Greene (D)	YYY*Y	O'Keefe (R)	N*YY*	Speraw (R)	YN*NN
Craven (R)	YYYY*	Holmdahl (D)	Y**Y*	Petrus (D)	YYY**	Stiern (D)	YYYYY
Davis (R)	YYYYY	Johnson (R)	YYYYY	Presley (D)	YYYY*	Vuich (D)	YYYYY
Dills (D)	YNNNN	Keene (D)	Y*Y*Y	Rains (D)	Y**YY	Watson (D)	YYY*Y

VOTING RECORD

Listed here are the votes of legislators on recent major roll calls through mid-April. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y — Yes N — No
* — Absent or not voting

A 2/3 vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (2/3 = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (2/3 = 27 votes)

SENATE

SB 322 (Rains) — Amends 1980 child-abuse law to repeal requirement that health professionals report suspected instances of sexual intercourse by minors. Passed, 27 - 6.

SB 49 (M. Garcia) — Prohibits the killing of a dog or cat for purposes of human consumption. Passed, 21 - 6.

SB 82 (Johnson) — Permits counties to increase criminal fines to finance jail facilities. Passed, 28 - 5.

SB 168 (Presley) — Increases to \$10 the maximum water or sewer standby charge counties may charge on parcels of less than one acre. Passed, 23 - 9.

AJR 19 (Farr) — Asks the federal government to exempt the Santa Cruz, Bodega, Point Arena and Eel River basins from oil and gas development. Failed, 18 - 6 (21 votes required).

ASSEMBLY

AB 100 (Harris) — Requires the seller of a condominium or community-apartment unit to provide a prospective buyer with a list of defects. Passed, 60 - 19.

AB 156 (Greene) — Authorizes state to continue participation in the Educational Commission of the States until 1985. Passed, 46 - 28.

SB 64 (Craven) — Provides that state laws prohibiting sex discrimination in employment shall not affect the right of an em-

ployer to give preference to veterans.
Passed, 59-14.
AJR 19 (Farr) — Asks the federal govern-
ment to exempt four California river

basins from oil and gas development.
Passed, 44-26.
AB 11 (Lockyer) — Shifts up to \$252 million
in tax revenues from local government to

the state and provides up to \$70 million
in credits for taxpayers affected by the
court decision applying to the unsecured
property-tax roll. Passed, 49-27.

ASSEMBLY (49D, 311R)		AB 100 AB 156 SB 64 AJR 19 AB 11	AB 100 AB 156 SB 64 AJR 19 AB 11	AB 100 AB 156 SB 64 AJR 19 AB 11	AB 100 AB 156 SB 64 AJR 19 AB 11		
Agnos (D)	Y * Y Y Y	Filante (R)	Y N Y Y N	Konnyu (R)	Y N Y N N	Roos (D)	Y Y Y Y Y
Alatorre (D)	Y Y Y * Y	Floyd (D)	Y Y Y Y Y	LaFollette (R)	Y N Y N *	Rosenthal (D)	Y Y N Y Y
Baker (R)	N N Y N N	Frazee (R)	Y N Y N N	Lancaster (R)	N N Y N Y	Ryan (R)	Y N Y * N
Bane (D)	Y Y Y Y Y	Frizzelle (R)	N N Y N N	Lehman (D)	Y Y Y Y Y	Sebastiani (R)	N N Y N N
Bates (D)	Y Y * Y Y	Goggin (D)	Y Y Y Y Y	Leonard (R)	N N Y N N	Sher (D)	Y Y N Y Y
Bergeson (R)	N N Y N N	Greene (D)	N Y Y * Y	Levine (D)	Y Y * * Y	Statham (R)	Y N Y N N
Berman (D)	Y Y N * Y	Hallett (R)	N N Y Y N	Lewis (R)	N N Y N N	Stirling, D. (R)	Y N Y N N
Bosco (D)	Y Y Y Y Y	Hannigan (D)	Y Y Y Y *	Lockyer (D)	Y Y N Y Y	Stirling, L. (R)	Y N Y Y N
Brown, D. (R)	N N Y N N	Harris (D)	Y Y N Y Y	Marguth (R)	N * Y N N	Tanner (D)	Y Y N Y Y
Brown, W. (D)	Y Y * Y Y	Hart (D)	Y Y Y * Y	Martinez (D)	Y Y Y Y Y	Thurman (D)	Y Y Y N Y
Campbell (D)	Y Y N Y Y	Herger (R)	Y N Y N N	McAlister (D)	Y Y Y N Y	Torres (D)	Y Y Y Y Y
Chacón (D)	Y * N Y Y	Hughes (D)	Y Y N Y Y	McCarthy (D)	Y Y Y Y Y	Tucker (D)	Y Y Y Y Y
Cortese (D)	Y Y Y Y Y	Imbrecht (R)	Y N N * N	Moore (D)	Y Y N Y Y	Vasconcellos (D)	Y Y N Y Y
Costa (D)	Y Y Y Y Y	Ingalls (D)	* * Y * Y	Moorhead (D)	Y * Y Y Y	Vicencia (D)	Y Y Y Y Y
Cramer (D)	Y Y Y Y Y	Ivers (R)	Y N Y N *	Mountjoy (R)	N N Y N N	Waters, M. (D)	Y Y * Y Y
Deddeh (D)	Y Y Y Y Y	Johnson (R)	Y N Y N N	Naylor (R)	N N N Y N	Waters, N. (D)	Y Y Y N Y
Duffy (R)	Y Y Y * N	Johnston (D)	Y Y * Y N	Nolan (R)	N N Y N *	Wray (D)	Y Y Y Y Y
Elder (D)	Y Y N Y Y	Kapiloff (D)	Y Y Y Y Y	Papan (D)	N Y Y Y Y	Wright (R)	N N Y Y N
Farr (D)	Y Y Y Y Y	Katz (D)	Y Y Y Y Y	Robinson (D)	Y Y Y Y Y	Wyman (R)	N N Y N N
Felando (R)	Y * * N Y	Kelley (R)	N N Y N N	Rogers (R)	N N Y N N	Young (D)	Y Y * * Y

SIGNIFICANT COURT ACTIONS

A matter of privacy

In a 4-2 decision, the state Supreme Court ruled that poor women in California may obtain abortions on demand even though the Legislature has voted otherwise for the past three years. Justice Mathew Tobriner, who wrote the majority decision, cited the right-to-privacy provision in the state constitution as the basis for the ruling. He was joined by Chief Justice Rose Elizabeth Bird and Justices Stanley Mosk and Frank Newman.

The United States Supreme Court last year ruled that it was legal for Congress to cut off funds for abortions. Tobriner said that the state constitution, unlike the federal constitution, guarantees Californians the right to privacy. "The decision whether to bear a child or to have an abortion is so private and so intimate that each woman in this state — rich or poor — is guaranteed the constitutional right to make that decision as an individual, uncoerced by government intrusion."

Tobriner said that in California "the question of whether an individual woman should or should not terminate her pregnancy is not a matter that may be put to a vote of the Legislature." It is estimated that the state Medi-Cal program will spend \$34 million this year for about 100,000 abortions.

The dissenting opinion was written by Justice Frank Richardson, who was joined by former Justice William Clark (now undersecretary of state). "The California Constitution," said Richardson, "prohibits us from rewriting the budget act. We seriously err when we con-

tinue, on misguided grounds, to usurp the lawmaking function of the California Legislature."

The abortion decision was handed down on March 20th, nine days after the court refused to consider an appellate court decision upholding the constitutionality of the anti-busing initiative (Proposition 1) approved by the people in 1979. (See page 177 for analysis of the busing issue.)

Other major court decisions:

Bargaining. In a 4-2 decision, the state Supreme Court upheld the validity of the State Employer-Employee Relations Act passed in 1977.

Rape. The United States Supreme Court, in a 5-4 decision, upheld California's statutory rape law, rejecting the contention that it discriminates against men. The decision could have an impact on the charges pending against state Senator Alan Robbins.

Death penalty. By a 7-2 margin, the U.S. Supreme Court refused to hear arguments that California's capital punishment law is unconstitutional.

Prisons. A federal appeals court in San Francisco threw out a lower-court order requiring major reforms in the state prison system.

CHARTING THE LEGISLATURE

The following is a list of significant bills pending before the Legislature in mid-March.

ABORTION

SCA 29 (Schmitz). Constitutional amendment which would guarantee the right to life for every human being from the moment of conception. (Senate Judiciary and Constitutional Amendment Committees)

CONSUMER AFFAIRS

AB 65 (Rosenthal). Requires supermarkets using automated checkout systems to individually price items on grocery shelves. (On Assembly floor)

AB 1787 (Tanner). Enables buyer to return a defective new motor vehicle for a full refund or replacement. (Assembly Consumer Protection and Toxic Materials Committee)

COURTS

SB 753 (Doolittle). Enacts the Judicial Sentencing Disclosure Act, requiring Superior Courts to maintain a public record of the disposition of each criminal case and the sentences imposed by judges. (Senate Judiciary Committee)

AB 1646 (L. Stirling). Consolidates superior, municipal and justice courts into a statewide system of trial courts consisting of 58 county Superior Courts, each having two divisions. (Assembly Judiciary Committee)

CRIMINAL JUSTICE

SB 276, 277, 278, 586, 587, 588 (Rains). These measures revise penalties for the commission of sexual offenses against minors, revise sex-offender registration requirements, make changes in trial procedures, and establish police investigation procedures for cases involving the sexual abuse of minors. (All measures are in the Senate Judiciary Committee.)

SB 1170 (Holmdahl). Enacts the Omnibus Pretrial Hearing Act to consolidate all pretrial motions into a single hearing process in order to streamline criminal proceedings. (Senate Judiciary Committee)

AB 820 (Bane). Prohibits the wearing of a Nazi uniform in a public place where a person wearing such uniform would be likely to create a disturbance. (Assembly Criminal Justice Committee)

SB 910 (Presley). Provides for the submission to voters of a \$280 million bond issue to finance the construction and replacement of county jail facilities. (Senate Judiciary Committee)

AB 383 (Cramer). Imposes a life term concurrent to any other term in specified felony cases involving the infliction of great bodily injury and designates persons on whom such term is imposed as habitual offenders. (Assembly Ways and Means Committee)

DRUNK DRIVING

AB 541 (Moorhead). Imposes mandatory sentences, higher fines and longer jail terms for persons convicted of drunk driving. (Assembly Ways and Means Committee)

SB 745 and 746 (Sieroty). Makes it unlawful for any persons having 0.10 percent or more, by weight, of alcohol in his or her blood to drive a vehicle and prohibits a court from allowing a drunk driving defendant to plead guilty to a lesser charge as a result of plea bargaining. (Both measures are in the Senate Judiciary Committee)

EDUCATION

AB 1696 (Imbrecht). Declares it to be the public policy of the state to provide its residents with free public education and specifies that in the event the University of California Board of Regents imposes tuition, the university's budget shall be reduced by an amount equal to the revenue generated by tuition fees. (Assembly Education Committee)

AB 757 (Hart)/AB 1801 (Marguth)/SB 424 (Carpenter). Would prohibit the issuance of a teaching credential unless an applicant has demonstrated competence in reading, writing and mathematics. AB 757 and AB 1801 additionally prohibit school districts

from hiring teachers who have not demonstrated proficiency in basic reading, writing and mathematics skills. (SB 424 is in the Senate Education Committee; Assembly measures are in the Assembly Education Committee)

ENVIRONMENT

AB 1425 (Bergeson). Repeals the California Coastal Act, state and regional coastal commissions, and state regulation of development within the coastal zone on July 1st, 1983. (Assembly Energy and Natural Resources Committee)

AB 1543 (Tanner). Creates the Hazardous Waste Site Council to develop a statewide hazardous waste facilities siting and permit process. Increases civil penalties for the negligent disposal of hazardous waste. (Assembly Consumer Protection and Toxic Materials Committee)

GUN CONTROL

AB 1984 (Harris). Prohibits the sale of a handgun to any person who has not completed a handgun safety course and passed a firearms safety test. (Assembly Criminal Justice Committee)

AB 962 (Lewis). Reduces from 15 to 10 days the waiting period required before a purchaser may take possession of a firearm. (Assembly Criminal Justice Committee)

HEALTH CARE

SB 670 (Keene). Enacts the Midwifery Practice Act to provide for the certification of midwives by the Board of Registered Nursing. (Senate Health and Welfare Committee)

AB 1592 (Moorhead). Authorizes nurse-midwives to perform episiotomies and to administer anesthesia, redefines the practice of midwifery by registered nurses, removes requirement that nurse-midwives be supervised by physicians, and extends hospital staff privileges to nurse-midwives. (Assembly Finance, Insurance and Commerce Committee)

INSURANCE

AB 1644 (Torres). Requires automobile insurance premiums to be based on a person's driving record. (Assembly Finance, Insurance and Commerce Committee)

AB 1908, 1909, 1910, 1911, 1912 (M. Waters). Requires insurance companies to make certain disclosures of losses and expenses in connection with automobile, product liability, worker's compensation and malpractice insurance; prohibits insurers from using premiums to pay punitive damage awards; and requires insurers to provide relevant data on premiums, claims, and profits at a consumer's request. (Assembly Finance, Insurance and Commerce Committee)

MEDI-CAL

AB 803, 804, 805 (Elder). Provides that all Medi-Cal services must be reasonable and medically necessary for the prevention, diagnosis or treatment of disease, illness or injury; limits the amount of reimbursement to providers. (Assembly Health Committee)

SB 625 (O'Keefe). Requires a fee of \$1 to be paid by Medi-Cal recipients for each service rendered to them under the Medi-Cal program. (Senate Health and Welfare Committee)

MOTORCYCLISTS

AB 996 (Floyd). Prohibits any person from operating or riding a motorcycle unless he or she is wearing protective headgear. (Assembly Transportation Committee)

TAXATION

SCA 33 (Keene). Constitutional amendment to allow special local governmental taxes for the support of law enforcement services to be approved by a simple majority vote of the people. (Senate Revenue and Taxation Committee)

California versus Watt

In its first clash with Californians of all political stripes, the Reagan Administration has set the stage for extensive off-shore oil drilling along some of the most scenic coastal stretches from Santa Barbara to the Oregon border. For Interior Secretary James Watt, the Cabinet's point man for wider commercial use of the nation's natural riches, the battle is a test of political and ideological wills — a crucible that will determine whether America slides down the path of lowered expectations or regains its old frontier confidence in exploration and development. The fight has presidential overtones. The Reaganites are aiming directly at Jerry Brown's pro-environment and slow-growth views. For his part, Brown is convinced that Watt, by following a policy of reckless overkill, has handed him a golden opportunity to lead the countercharge at the head of a broad, bipartisan coalition. If Brown has his way, the nation will be treated to an epic struggle between the guardians of America's natural heritage and the new Huns on the Potomac.

SINCE NEITHER BROWN NOR WATT is a shrinking violet, their duel on the beaches of the Pacific won't be just a garden-variety confrontation between Sacramento and Washington; it'll be bang-up political theater as well. Even without their ideological ardor, the oil-drilling controversy promises plenty of fireworks. Arrayed against the onrush of the oil rigs are not only the Sierra Club and other environmental groups, but also California's tourist industry, fishing interests and shipping concerns. Pitted against them are Ronald Reagan's campaign promises to accelerate oil development beyond the three-mile limit and the president's strong belief that the nation can move toward an energy-abundant future by giving private oil firms greater access to the public domain.

There's one basic question, however, that has not been answered by the initial skirmishes: Did Watt, in putting Reagan's brand on off-shore development, allow rhetoric and dogma to call the tune on which areas will be opened for drilling — without paying adequate attention to whether they contain enough oil and gas deposits to warrant commercial production? It's all very well for the secretary to designate drilling sites. It's quite another matter for oil companies to volunteer hundreds of millions of dollars for leases. Watt's critics predict when the game reaches that stage, the industry may show some reticence — particularly in areas which don't look too promising to begin with.

Watt has set the first lease sale for this month. If the courts don't force a delay, the Interior Department will accept bids for drilling in the 606,000-acre Santa Maria basin off San Luis Obispo and Santa Barbara counties. Out of five major prospective drilling zones off the Central and Northern California coast, this one has aroused the least opposition. It also seems to be the most commercially promising. The U.S. Geological Survey estimates Santa Maria contains up to 85 percent of the total oil and gas reserves in the Reagan Administration's California off-shore package. Watt rejected pleas by Brown and Senator Alan Cranston to scale back the Santa Maria section. But that was basically a formality on both sides. Jimmy Carter's interior secretary, Cecil Andrus, also had approved the entire Santa Maria area

for drilling. The real fight will be over the other four off-shore areas. Andrus decided they didn't hold out enough promise of energy recovery to warrant the risk of spoiling some of California's most beautiful coastal areas. Watt is pushing ahead with plans to open them up and expects to make a final decision on a second lease in the next few weeks. To soften the blow, he may trim a bit here and there. But at this point, he's poised to give a go-ahead for drilling.

The four battlegrounds, covering 700,000 acres, include the Eel River basin off Eureka, the Point Arena basin off Mendocino County, the Bodega basin off northern Marin and Sonoma counties and the Santa Cruz basin off San Mateo and Santa Cruz counties. If you add Santa Maria, Watt is pointing at development of 1.3 million acres with potential reserves worth \$42 billion at today's prices. Critics argue Santa Maria alone accounts for \$34 billion of the total, while development prospects of the other four sections are only marginal. Watt counters these are "best guess only" estimates and nobody will really know how much oil there is at the five sites until drilling gets under way.

The secretary maintains there is a lesser risk of spills from off-shore drilling than from tankers carrying oil from the Middle East. He looks at California's opposition as a "parochial" view that must give way to an overriding national interest in energy self-sufficiency. He wants to crack the two toughest political areas that have blocked expansion of off-shore production — New England and Northern California. In a letter of support, eight conservative California GOP congressmen told Watt: "It is far more humane for members of Congress to explain to parents of a son who reside along the beautiful Northern California coast why we are erecting drilling platforms than to explain to those parents why their son must fight in the sands of the Middle East to protect a resource which we have here at home."

Brown says that's sheer nonsense because all five drilling zones off California would yield only a 10-day petroleum supply for the nation. But it's not just Democrats who are blasting away. By extending his development plans beyond Santa Maria, Watt has triggered opposition from Don Clausen of Crescent City, chairman of the GOP congressional delegation, and Republican Senator S. I. Hayakawa. Watt also unleashed a strong tide of protest from local governments and chambers of commerce along the coast.

AS THE BATTLE UNFOLDS, Watt has the president's solid support. Legal experts expect the secretary to win in the courts. The big unanswered question is to what extent the oil companies themselves will want to move into the four drilling zones north of Santa Maria. Before leaving office, Carter officials predicted the industry wouldn't plunk down good money for the right to drill in marginally promising tracts. Some companies also may be deterred by the expected refusal of local and state officials to grant permits for on-shore support facilities.

In the final analysis, the battle may be decided by cold-cash calculations of Exxon, Mobil and other oil firms — with little regard for the ideological positions of either the governor or the secretary.

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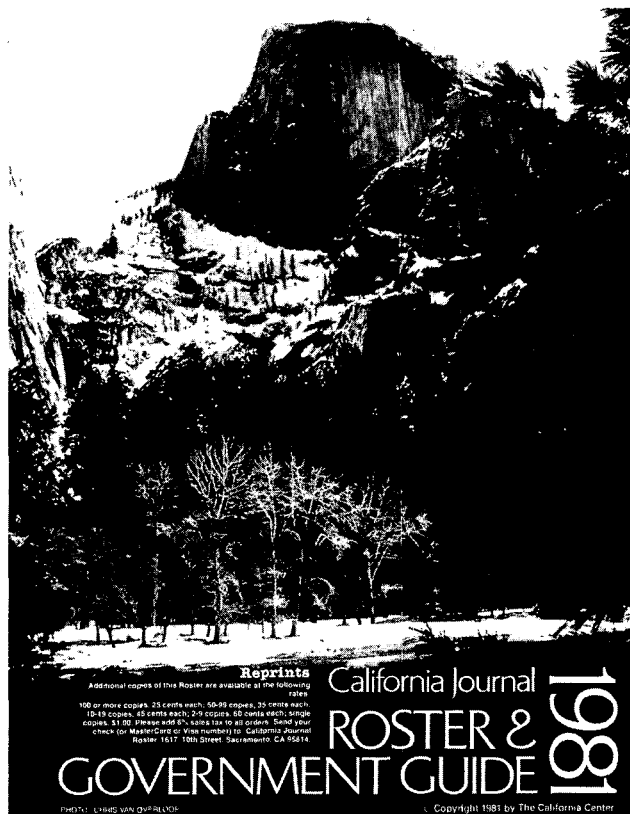
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